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COLLECTION
OF THE
PARLIAMENTARY
DEBATES

IN

ENGLAND,

FROM

The YEAR M,DC,LXVIII

To the present TIME.

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Parliamentary DEBATES.

TO the argument in favour of the amendment to the motion for an address in answer to his Majesty's most gracious speech from the throne, it was answered in substance as follows, *viz.*

‘ My Lords,

‘ Whatever was the method of addressing in
 ‘ ancient times, or whether it was more general, Answet.
 ‘ or more succinct than that now practised, I do
 ‘ not think the dignity of this house any way
 ‘ concerned in the question. As long as the ad-
 ‘ dress of this house is supposed to mean no
 ‘ more than a compliment to the King upon his
 ‘ speech from the throne, and a testimony of
 ‘ our affection, duty, and esteem for him, it is
 ‘ but a matter of mere complaisance; and the
 ‘ form or method of shewing our complaisance
 ‘ alters both in publick and private life, like
 ‘ the fashion of our cloaths, with times, seasons
 ‘ and countries. In all such cases, a man of a
 ‘ genteel education, who has no whimsical turn,
 ‘ will express himself in that manner, which is
 ‘ most fashionable among those of the better
 ‘ fort. If he exaggerates very much in his com-
 ‘ pliments, and greatly exceeds the usual me-
 ‘ thod in which men express themselves upon
 ‘ such occasions, I shall grant, it is no argu-
 ‘ ment either of his sincerity, or of his respect

‘ for the person he compliments in such a man-
 ‘ ner: On the contrary, it may be a token of
 ‘ his contempt; for panegyrick, when carried
 ‘ too high, is supposed to be meant in an ironi-
 ‘ cal way, and then it becomes satire. But on
 ‘ the other hand, if a man speaks more bluntly
 ‘ than is usual in the times, or in the country,
 ‘ in which he lives, I hope it will be granted,
 ‘ that it is an argument either of the speaker’s
 ‘ want of breeding, or of his want of respect
 ‘ for the person he addresses himself to.

‘ In this light, my Lords, let us consider the
 ‘ present question, and if the fashion has altered
 ‘ within these twenty or thirty years, if the form
 ‘ or method of shewing our complaisance to our
 ‘ Sovereign has altered from what it was in an-
 ‘ cient times, do not let us shew either our want
 ‘ of good manners, or want of respect for him,
 ‘ by addressing ourselves to him upon this so-
 ‘ lemn occasion, in a manner more blunt than
 ‘ has been usual for so many years. I shall
 ‘ grant, that his Majesty’s speech from the
 ‘ throne is always in this house considered as
 ‘ the speech of his ministers; but I cannot ad-
 ‘ mit, that the address of this house, in return
 ‘ to that speech, ought ever to be look’d on as
 ‘ an address to the ministers. If, indeed, it
 ‘ contained an express approbation of all the
 ‘ publick measures transacted during the prece-
 ‘ ding recess of Parliament, it might be suppo-
 ‘ sed to be an address drawn up by the ministers,
 ‘ and it would be inconsistent with the dignity
 ‘ of this house to agree to it, both because of
 ‘ the persons that might be supposed to have
 ‘ drawn it up, and because of the approbation
 ‘ it contained; but the noble Duke has, in my
 ‘ opinion, been extremely careful in drawing up
 ‘ what he has been pleased to offer upon this oc-
 ‘ casion. He has, I think, taken particular care

‘ not

‘ not to insert, in what he has proposed, any
‘ words or expressions that can, by any sort of
‘ interpretation, be taken as an approbation of
‘ any of the measures lately pursued by the
‘ administration. It contains only general com-
‘ pliments to his Majesty, upon what he has
‘ been pleased to communicate to us by his
‘ speech, and upon some of those good quali-
‘ ties, which every Lord in this house must al-
‘ low his Majesty to be endued with to an emi-
‘ nent degree. Therefore, my Lords, as his
‘ Majesty has made a most gracious speech from
‘ the throne, as he has been pleased to ac-
‘ quaint us, that a convention has been conclu-
‘ ded between him and *Spain*, and to impart to
‘ us the substance of that convention; and as
‘ he has been pleased to tell us, that he will or-
‘ der the convention itself, and the separate ar-
‘ ticles, to be laid before us; I think we can do
‘ no less, than return him such an answer, by
‘ way of address, as the noble Duke has been
‘ pleased to propose.

‘ But, my Lords, that your Lordships may
‘ the more clearly see, that there is nothing in
‘ the address proposed, which can be understood
‘ to mean an approbation of any late publick
‘ measures, I shall beg leave to go through and
‘ examine it, paragraph by paragraph. As to
‘ the first, I need say nothing to it; and as to
‘ the second, I do not see how it can be suppo-
‘ sed to relate to our ministers, or to any part
‘ of their conduct. It is, as it ought to be,
‘ wholly addressed to his Majesty; and whatever
‘ his ministers may have done, it is certain, that
‘ he has given many convincing proofs of his
‘ paternal and unwearied care of the rights of
‘ his people; and, I am confident, no man in
‘ the kingdom has a more sincere and affectio-
‘ nate concern for the hardships and injuries our

traders have suffer'd in *America*; no man would or could venture further for redressing or preventing them. His Majesty has given so many indubitable testimonies of his having equally at heart the honour of his crown, and the interest of his people, as is well known to all those who have the honour to be near his person, that no man can doubt of his zeal, and his zeal must make him vigilant, for the real security and preservation both of the one and of the other. This is all, my Lords, that is in the second paragraph. They are properly no compliments, they are declarations of what, I believe, must be the real sentiments of every Lord that hears me; but supposing they were, they are directed to his Majesty only, and cannot be presumed to be directed or meant to all or any one of his ministers.

Then, my Lords, as to the third paragraph: His Majesty has in his speech said, he has a due regard to the advice of his Parliament; and here, by way of return, we allow this expression to be a great instance of his royal goodness. Has his ministers any thing to do with this? Can it relate to any part of their conduct? We do not say, that even his Majesty has had a regard to the resolutions and advice of his Parliament; we only say, that his expressing such a regard, is an instance of his goodness. Can any thing be more generally or more cautiously expressed? The other part of this paragraph, as it is worded, can be supposed to relate only to his Majesty's inclinations; it cannot be supposed to relate to any thing that has been done, or that has been left undone. His Majesty's tenderness for his people is well known: It is that only which has preserved this nation in peace for so many years; for, if his Majesty had allowed himself to be directed

‘ by his natural courage and fortitude, it is certain, he would have immediately repented, in the highest manner, the very first insult put upon us; and we only say, that we never entertained the least doubt, but that his Majesty will allow himself to be directed by these qualities, as soon as he finds that the interests of his people can be no other way preserved.

‘ As to the fourth paragraph, my Lords, it only repeats what his Majesty has been pleased to communicate from the throne, and returns our thanks for what he has been pleased so to communicate. This, I think, is the least we can say, by way of return; and, as there is not the least word or expression, that can be supposed to signify our approbation of any thing his Majesty has communicated, I can see no reason why we should not agree to it.

‘ Then, as to the fifth, my Lords, his Majesty has told us, in his speech, that it hath been his principal care, to make use of the confidence reposed in him by Parliament, with no other view, but the general and lasting benefit of his kingdoms; and, for this, we here return him our thankful acknowledgments. We do not say, nor so much as insinuate, that his ministers have had no other views. If they have had any sinister views, we are at full liberty, upon an enquiry, to censure them; notwithstanding any thing proposed to be said in this paragraph. But, as to his Majesty, I believe, no man will or can suppose, that he could have any other view, than what he has been pleased to declare in his speech from the throne; and, if he had, or if it were possible to suppose such a thing, it will not be pretended, I am sure, by any Lord in this house, that we have a power to enquire into or censure the views of our Sovereign.

‘ And, as to the last paragraph of the address
 ‘ proposed, as the noble Lord who proposed the
 ‘ amendment, was pleased to admit that the last
 ‘ paragraph should stand part of our address, I
 ‘ have no occasion to say much about it; but,
 ‘ as to the criticism that has been made upon it,
 ‘ I must say, that I can see no foundation for
 ‘ such criticism. I hope no prejudices or animos-
 ‘ ities will ever mix themselves with parliamen-
 ‘ tary deliberations, I believe they seldom or ne-
 ‘ ver do; but, it cannot be said, that the thing
 ‘ is impossible; and therefore, his Majesty can be
 ‘ thought only to shew his regard for the pub-
 ‘ lick good, by recommending to us, not to suf-
 ‘ fer any such to have a share in our deliberations,
 ‘ at this important conjuncture. It is not because
 ‘ there is now greater danger than at other times,
 ‘ of our allowing prejudices and animosities to
 ‘ have a share in our deliberations, that his Ma-
 ‘ jesty thought this recommendation necessary;
 ‘ but, because the present conjuncture is of great-
 ‘ er importance than most others. When the na-
 ‘ tion is upon the brink, perhaps, of a heavy
 ‘ war, when it is in danger of being engaged in
 ‘ war against one at least, if not two powerful
 ‘ neighbours, unanimity amongst ourselves is more
 ‘ necessary, domestick prejudices and animosities
 ‘ are more dangerous to the publick, than they
 ‘ can be upon other occasions; and therefore, it
 ‘ is to be hoped, no person without doors will
 ‘ draw any wrong conclusions from the prudent
 ‘ and necessary advice his Majesty has thought fit
 ‘ to give us.

‘ Thus, my Lords, I have shewn, that from
 ‘ what is proposed in the address, we have no
 ‘ occasion to form any judgment at all of the
 ‘ convention just concluded with *Spain*, or of
 ‘ any of our late measures; because we are now
 ‘ neither to approve or condemn all or either of
 ‘ them.

‘ them. We have, at present, no business to
‘ trouble our heads about the conduct of our
‘ publick affairs for these seventeen or eighteen
‘ years past, or for any longer or shorter term.
‘ We are now only to address his Majesty, as has
‘ always been customary, by way of return to
‘ his most gracious speech from the throne; and,
‘ if the address proposed, had been more parti-
‘ cular than it is, if it had contained even some
‘ sort of approbation of those measures which his
‘ Majesty has mentioned in his speech, our ad-
‘ dressing in such a manner might have been
‘ justified; for, we are to suppose every thing
‘ to be as mentioned in his Majesty’s speech, till
‘ the contrary appears upon enquiry. By such a
‘ supposition, we are no way precluded from en-
‘ quiring into the facts afterwards, or from cen-
‘ suring what shall then appear to be amiss; be-
‘ cause nothing that is said in the address, can be
‘ made use of against the opinion of any Lord, or
‘ against any resolution we can come to, upon an
‘ enquiry. Nay, my Lords, if the proposition
‘ had gone farther, if it had been proposed to
‘ congratulate his Majesty upon the conclusion of
‘ this convention, it would not have been with-
‘ out precedent; for, if I rightly remember, we
‘ congratulated his Majesty upon the conclusion
‘ of the treaty of *Seville*, before the treaty, or
‘ any thing relating to it was laid before the
‘ house, except what his Majesty had said of it
‘ in his speech at the opening of the session. But
‘ as no such approbation or congratulation is in-
‘ tended, or can be drawn from any words in the
‘ address now proposed, as it contains nothing,
‘ in my opinion, but what ought in common de-
‘ cency to be said, by way of return to his Ma-
‘ jesty’s speech from the throne, I can see no rea-
‘ son for our disagreeing to any one of the para-
‘ graphs proposed.

' I should not, I believe, my Lords, have
 ' troubled you farther upon the present question,
 ' if so much had not been said against the ma-
 ' nagement of our publick affairs, for almost
 ' these twenty years past; but as it has been
 ' found so much fault with, I hope your Lord-
 ' ships will indulge me with the liberty of saying
 ' a few words in its vindication. To answer
 ' every particular objection, that has been made
 ' to the several negotiations and treaties we have
 ' been engaged in for these seventeen or eighteen
 ' years past, would take up too much of your
 ' Lordships time, much more than I think neces-
 ' sary at present, especially as I have already
 ' shewn, that no part of our past conduct can
 ' any way relate to the question now before us;
 ' but as to all of them in general, so far as I
 ' have had any share in them, I can for my own
 ' part say, that whatever art may have been
 ' wanting in the method of conducting them,
 ' they were all undertaken and carried on with a
 ' sincere heart, and a strong desire of doing ser-
 ' vice to my native country; and as to all the
 ' other persons concerned, I have the charity to
 ' think, that if any faults were committed, they
 ' were not owing to design or carelessness, but to
 ' such mistakes and oversights, as the wisest of
 ' men may sometimes be guilty of. With a
 ' treaty or negotiation, it is the same as with a
 ' fine poem; it is easy for a willing or splenetick
 ' mind to criticize, and find fault with the best
 ' that was ever made or carried on. No nation
 ' can in every treaty get all they can desire:
 ' They must get as much as they can, and leave
 ' the rest to the next favourable opportunity;
 ' therefore, every treaty may be said to be a
 ' good treaty, when upon an impartial examina-
 ' tion, it appears to be the best that the then
 ' conjuncture of affairs would admit of. But the
 ' misfor-

‘ misfortune is, that those who want to find
‘ fault, generally misrepresent the then situation
‘ of affairs, and at the same time they endeavour
‘ to extenuate the advantages that were obtained,
‘ and to exalt the value of those which were not;
‘ even tho’ they themselves were, perhaps, the
‘ cause, that some of those advantages could not
‘ be obtained.

‘ If in this light, my Lords, we examine the
‘ treaties now complained of, and the objections
‘ made to them, we shall, I believe, find, that
‘ most of the objections are either groundless or
‘ frivolous; and all the treaties have this argu-
‘ ment in their favour, they were every one
‘ approved of by both houses of Parliament;
‘ which shews, that they were all thought to
‘ be good treaties at the time they were made,
‘ whatever objections may have since arisen a-
‘ gainst them, from alterations in the affairs of
‘ *Europe*, which either could not be foreseen, or
‘ could not be guarded against. As for the trea-
‘ ty in 1721, I need not say much in its favour;
‘ because the noble Lord who found fault with
‘ it, has himself answered the two objections he
‘ made against it. But, I must add, that it was
‘ owing to this very treaty, that *Spain* made us
‘ the offer of being sole mediator at the treaty of
‘ *Cambray*, of all differences between her and the
‘ Emperor; so that, if any honour or advantage
‘ could have been got by our accepting of that
‘ offer, it must have been entirely ascribed to our
‘ treaty with *Spain*, in the year 1721. How-
‘ ever, as our accepting of that offer, might
‘ have involved us in a bloody and expensive
‘ war, in which we could not otherwise have had
‘ any concern, and from which we could pro-
‘ pose to reap no advantage, therefore, I am
‘ still of opinion, that it was more prudent in
‘ us,

‘ us, to refuse the offer at that time made us by
 ‘ *Spain*.

‘ Then, my Lords, with regard to the treaty
 ‘ of *Hanover*, I know it has been strongly insisted
 ‘ on, that no secret articles were agreed on by
 ‘ the treaty of *Vienna*, in the year 1725, be-
 ‘ tween the Emperor and *Spain*, which were any
 ‘ way prejudicial to this kingdom; but we have
 ‘ his late Majesty’s express declaration, that there
 ‘ were some such articles in that treaty, which,
 ‘ I think, is a better authority for believing, than
 ‘ any authority we have for disbelieving, that
 ‘ there were such articles. But supposing there
 ‘ were no such articles, the very treaty itself
 ‘ shews, that it was designed for supporting the
 ‘ *Ostend East-India* company; and as both the
 ‘ *Dutch* and we were resolved to destroy that
 ‘ company, it was evident that the *Vienna* treaty
 ‘ would have produced a war, if we had not pre-
 ‘ vented it by the treaty of *Hanover*, and the
 ‘ measures we took in pursuance of that treaty,
 ‘ for preventing the court of *Spain*’s being in a
 ‘ condition to begin a war, or to assist the Empe-
 ‘ ror, in case he should. By the squadrons we
 ‘ sent out to the coasts of *Spain*, in *Europe* and
 ‘ *America*, we prevented the return of their
 ‘ plate-fleets from *America*, which rendered all
 ‘ the projects of the courts of *Vienna* and *Ma-*
 ‘ *drid* abortive, and soon after induced the Em-
 ‘ peror to give up his favourite *Ostend* company.
 ‘ But as those squadrons were designed only to
 ‘ prevent a war, therefore it would have been ri-
 ‘ diculous to have given them any orders to be-
 ‘ gin a war, by attacking *Spain*; and after the
 ‘ conclusion of the preliminary articles with the
 ‘ Emperor, we could send no such orders, be-
 ‘ cause we were every day in expectation of co-
 ‘ ming to a final settlement of all differences with
 ‘ *Spain* as well as the Emperor, and thereby e-
 ‘ stablishing

‘ stablishing the tranquillity of *Europe*, upon a
‘ solid and lasting foundation.

‘ But, my Lords, as this settlement, so much
‘ to be wished for, was like to be much retarded,
‘ if not intirely disappointed, by some new differe-
‘ nces that arose between *Spain* and the Empe-
‘ ror, and as the peace between us and *Spain* then
‘ stood upon an uncertain and precarious founda-
‘ tion, which could not but be a great prejudice
‘ to our trade; therefore we found it necessary to
‘ conclude a particular treaty with *Spain*, at *Se-*
‘ *ville*, in the year 1729, which leads me to con-
‘ sider the objections that have been made against
‘ that treaty. It has been said, that after the ex-
‘ perience we had learned by the treaty with *Spain*
‘ in the year 1721, we ought not in that new
‘ treaty to have trusted to a general renewal of
‘ former treaties, or to any promises *Spain* could
‘ make: We ought to have had all our rights
‘ and privileges in *America*, at least such of them
‘ as had been contested, particularly acknowledg-
‘ ed; and we ought to have had all promises
‘ performed, before we had agreed to a definitive
‘ treaty. My Lords, at this rate no two nations
‘ in the world, after being once at war, could
‘ ever agree upon a peace, till one of them had
‘ intirely vanquished the other. We know how
‘ much averse princes are to the making of any
‘ particular acknowledgments: Generally nothing
‘ but the utmost distress can bring them to it;
‘ and therefore, in all treaties of peace, it has
‘ been found necessary to put an end to most dis-
‘ putes by general words, or by a general renewal
‘ of former treaties; and where the words of for-
‘ mer treaties are clear, this general renewal will
‘ always be found as effectual, as the most parti-
‘ cular acknowledgments. A Prince that breaks
‘ thro’ or evades a general article, will do the
‘ same by the most particular article that can be
‘ framed,

' framed, as soon as he finds an opportunity; and
 ' a Prince that will not perform a promise made
 ' by a definitive treaty, will much less perform a
 ' promise made by a preliminary. In either case
 ' there is no remedy but a new rupture; and
 ' this must at last be the consequence, if *Spain*
 ' cannot be brought to a more strict observance
 ' and performance of the treaties subsisting be-
 ' tween the two crowns; but both as a christian
 ' and a trading nation, we are obliged to try first
 ' all peaceable means, and if such means should
 ' be found altogether ineffectual, we must then,
 ' and we ought not till then, to have recourse to
 ' the *ultima ratio regum*.

' As to our having united *Spain* and *France*, or
 ' created a breach between *Spain* and the Empe-
 ' ror, by the treaty of *Seville*, I cannot see, my
 ' Lords, how that treaty can be charged with any
 ' such thing. There were no differences then sub-
 ' sisting between *France* and *Spain*, which were
 ' reconciled, nor any just cause of offence given
 ' to the Emperor, by that treaty. My Lords,
 ' the union between *France* and *Spain*, and the
 ' enmity or difference between *Spain* and the Em-
 ' peror, proceed from no treaties or negotiations
 ' of ours; they proceed from the natural course
 ' of things: When *Spain* has any difference with
 ' *France*, she must unite with the Emperor; and
 ' when she has any differences with the Emperor,
 ' she must unite with *France*. The views she has
 ' upon *Italy*, while they continue, must always
 ' create differences between her and the Emperor,
 ' and while she entertains such views, she must ne-
 ' cessarily unite with *France*; but as such views are
 ' inconsistent with the true interest of *Spain*, as
 ' they proceed from a foreign temporary cause, a
 ' few years may, in all probability, put an end to
 ' them.

‘ In

‘ In the mean time, my Lords, I shall readily
‘ admit, that it is our interest to keep up a close
‘ correspondence with the Emperor; I shall even
‘ admit, that we ought in the mean time to culti-
‘ vate this correspondence by all possible ways and
‘ means; but we must not for this end become
‘ the slaves and servants of the court of *Vienna*.
‘ We are not, for fear of an alliance between
‘ *France* and *Spain* against us, to support the
‘ court of *Vienna* in all the claims, and in every
‘ war, which their particular interests may per-
‘ suade, or their unbounded ambition suggest. In
‘ this case we may properly be said to be between
‘ *Scylla* and *Charybdis*, there is no safety but in
‘ a middle course; and that, I think, we have
‘ hitherto steadily steered. If we had not, if
‘ our ministers had appeared negligent or unskil-
‘ ful, and had steered too near either the one side
‘ or the other, I make no doubt, but that this
‘ house would have taken notice of it, and would
‘ have turned that pilot from the helm, who had
‘ shewn that he was not fit for guiding our ship
‘ in the time of such danger. As no such at-
‘ tempt was ever made, as this house has appro-
‘ ved of every step of our past conduct, it is
‘ with me a strong argument, that the conduct of
‘ our ministers, even for these last seventeen or
‘ eighteen years, has been blameless. Nay, I
‘ have such a regard for, and such a high opinion
‘ of the wisdom of this house, that I shall al-
‘ ways be extremely diffident of my own opinion,
‘ when I find it differs from that which appears
‘ to be the opinion of this house.

‘ Therefore, my Lords, if we have a due re-
‘ gard to what appears to have been the opinion
‘ of Parliament, we ought to judge favourably
‘ of what is passed; and this may furnish us, I
‘ think, with a good reason for supposing that
‘ the convention, which is to be, and, I believe,
‘ in

' in a very few days will be laid before us, is the
 ' best that the present conjuncture of affairs could
 ' admit of; for in every negotiation we carry on,
 ' and every treaty we make, we must have a re-
 ' gard both to the situation of our own affairs,
 ' and to the situation of affairs amongst our
 ' neighbours. When both these situations hap-
 ' pen to be lucky for us, we may then insist upon
 ' high terms, we may refuse to accept of any
 ' but such as may be thought in the highest de-
 ' gree satisfactory; but when the contrary hap-
 ' pens to be the case, it is not surely a proper
 ' time for us to insist upon points of honour, or
 ' upon peremptory and express acknowledgments;
 ' we ought in prudence to accept of equal terms,
 ' rather than plunge ourselves into an unequal
 ' war.

' With this view, my Lords, let us examine
 ' the present state of affairs both at home and a-
 ' broad. At home we still lie under a heavy
 ' load of debt, and our people groan under a
 ' multitude of taxes, which are absolutely neces-
 ' sary, even in time of peace, for the discharge
 ' of that debt, and the support of our civil
 ' government. This renders our people un-
 ' easy; and there are many amongst ourselves,
 ' who are too apt to take advantage of that
 ' uneasiness, for increasing those animosities and
 ' divisions, which must always subsist in this
 ' country, because they naturally arise from those
 ' liberties and privileges our people have still
 ' the happiness to enjoy. Can we then say,
 ' that our domestick affairs are at present in a
 ' happy situation? Then with regard to the af-
 ' fairs of *Europe*, do we not know that the Em-
 ' peror is now engaged in a heavy and expensive
 ' war against the *Turks*? By the misfortunes of
 ' the two last campaigns, and the plague's raging
 ' in that country where he is obliged to keep his
 ' armies,

armies, he has lost many of his veteran troops. Therefore we cannot expect that he would join us in any war we can at present engage in; and if he did, we could expect from him but a feeble assistance, for he could send us few or none of those troops that contributed towards our gaining so many laurels during the last war. Our neighbours the *Dutch* are exactly in our own situation; they are loaded with debts, contracted as ours were, in defence of the liberties of *Europe*: Their people are more heavily loaded with taxes than the people of this kingdom; and all those taxes hardly sufficient to support their government in time of peace, and to pay the interest of their publick funds. Their naval force, which was once able to cope even with that of *England*, and which gave us so great assistance in the last war, is now almost reduced to nothing; and their land army is now so much reduced, that they have scarcely troops sufficient for the many garisons their large frontier obliges them to keep. To this let me add, that they are at present far from being united amongst themselves. As they are likewise a free people, they are always subject to intestine feuds and divisions, as much as we are in this kingdom; and these feuds and divisions have of late years seemed to keep equal pace in both countries.

These, my Lords, are the two powers of *Europe* who are our most natural allies; these are the two, from whom, in case of need, we could expect the most effectual assistance, and from neither of them could we at present expect any assistance at all. On the other hand, let us consider the present condition of *France*, our great, our most dangerous rival in trade, as well as power. By the arbitrariness of their government they have got rid of all those debts,

‘ debts, which they were obliged, during the
‘ late war, to contract. They maintain in time
‘ of peace a much greater land army than any
‘ other power in *Europe*, than most are able to
‘ maintain in time of war; they have always a
‘ formidable fleet ready to put to sea; and yet
‘ their publick revenue is more than sufficient for
‘ answering their publick expence, and might be
‘ greatly increased in case of a war. If they
‘ should join with *Spain* in a war against us, it
‘ is hardly to be expected that, in our present
‘ circumstances, we would be able, by ourselves
‘ alone, to support a war against these two pow-
‘ erful kingdoms. But in case of a war between
‘ *Spain* and us, suppose the *French* should remain
‘ neutral, which ’tis to be hoped they would, and
‘ the utmost we could expect, yet we ought to
‘ consider how much they have incroached upon
‘ several branches of our trade, within these few
‘ years past; how closely they are watching all
‘ opportunities for making farther incroachments.
‘ For this purpose, a war between *Spain* and us,
‘ while they are in profound peace, would afford
‘ one of the best opportunities they could desire.
‘ The *Mediterranean*, the bay of *Biscay*, the *A-*
‘ *frican* and *American* seas, perhaps our own coasts,
‘ would swarm with *Spanish* privateers, or at least
‘ with privateers under *Spanish* colours, by which
‘ our trade would be greatly interrupted: Our
‘ merchants would be exposed to many dangers,
‘ to long delays, and vast charges, which the
‘ *French* merchant would be entirely free from.
‘ This would give them such an advantage at all
‘ foreign markets, that they would undersel us
‘ in almost every commodity we could carry thi-
‘ ther; and if trade should once leave the *British*,
‘ and begin to run in the *French* channel, we
‘ would probably soon see a return of peace, we
‘ would be obliged to sue for it upon any terms;
‘ but

‘ but I question if we should ever see a return of
‘ trade.

‘ The present therefore, my Lords, must be
‘ allowed to be a conjuncture that will not admit
‘ of our insisting upon so high terms, or so ample
‘ a satisfaction, as we may have good reason to
‘ insist on; and if it were, we should, even at
‘ the most favourable conjuncture, take care to
‘ persuade the world, that we ask nothing but
‘ what is just and reasonable; for if by insisting
‘ upon terms too high, or engaging too rashly in
‘ war, our neighbours should begin to imagine,
‘ that we were resolved to make use of our power
‘ for imposing laws upon any one of them, they
‘ would all take the alarm, every one would be
‘ afraid lest his own turn might be the next; and
‘ this might produce a confederacy against us,
‘ as dangerous as that which was produced by
‘ the ambition of *France* against that kingdom,
‘ towards the close of the last century.

‘ I shall grant, my Lords, that we have of
‘ late years met with several insults and indigni-
‘ ties from the *Spanish Guarda Costa's* in *America*,
‘ and that under the pretence of guarding against
‘ what they call illicit trade, they have too fre-
‘ quently made unjust seizures, and committed
‘ great depredations upon our merchants and sea-
‘ men, trading in that part of the world; but
‘ we are not the only people that have suffered
‘ by such pieces of injustice. We have, it is
‘ true, suffered more than any other nation, be-
‘ cause we have a greater trade, and more trading
‘ ships in the *American* seas than any other; but
‘ both the *Dutch* and *French* have likewise had
‘ their share. We have heard both of *Dutch* and
‘ *French* vessels seized or plundered, and if news-
‘ papers and news-mongers were as numerous in
‘ *France* or *Holland*, as they are in *Britain*, or if
‘ they had the same liberty in those countries,
‘ Vol. XVII. C they

‘ they have in this, we should probably have
 ‘ heard of a great many more. One *French* ves-
 ‘ sel we heard of lately, which appeared to have
 ‘ been seized and confiscated, as unjustly as ever
 ‘ any *British* ship was, and tho’ it be now two or
 ‘ three years since the seizure, the ship and cargo
 ‘ are so far from having been restored, that I do
 ‘ not know if they have been reclaimed. Yet
 ‘ neither the *Dutch* nor the *French* have thought
 ‘ of declaring war against *Spain*, on account of
 ‘ such seizures; nor ought we, as long as there
 ‘ are any hopes left of obtaining redress by
 ‘ peaceable means; for the crimes of particular
 ‘ men, ought not to be retaliated upon a whole
 ‘ nation, till the nation has made the guilt its
 ‘ own, by an obstinate denial of justice; and
 ‘ this we cannot pretend to say, if any satisfac-
 ‘ tion has been made for past injuries by the late
 ‘ convention, and a tolerable foundation laid for
 ‘ securing us against future, by a definitive treaty.

‘ But, my Lords, as the convention is not yet
 ‘ laid before us, as it cannot, from any thing
 ‘ now proposed, be properly brought into our
 ‘ present debate, I shall say nothing in its justi-
 ‘ fication. From what I have said in vindication
 ‘ of our past transactions, I hope it will appear,
 ‘ that we have no reason to condemn, or even
 ‘ to suspect what has lately happened, before we
 ‘ know what it is. When the convention comes
 ‘ to be laid before us, we may then judge rea-
 ‘ sonably and certainly of it: Till then, we
 ‘ ought to suspend our censures as well as ap-
 ‘ plauses; the time will not be long. Perhaps
 ‘ the only reason why it was not this day laid
 ‘ before us, was, lest a pretence should be from
 ‘ thence taken for drawing it in to this day’s de-
 ‘ bate: This was a prudent, and appears now to
 ‘ have been a necessary consideration; and as no-
 ‘ thing is now proposed, that may in the least

‘ tend

‘ tend to justify the convention, or any of the
 ‘ measures that were taken for bringing it to a
 ‘ conclusion, I shall therefore be for agreeing to
 ‘ the proposition without any amendment.’

Of the particular speeches made upon this occasion, the first we shall give you is that made by the Duke of *Portland*, by way of introduction to his motion, which was to this effect :

‘ My Lords,

‘ His Majesty has so fully inform’d your Lord-
 ‘ ships, in the gracious speech he made from the Duke of
 ‘ throne, of the success that has attended the pru- *Portland’s*
 ‘ dent and pacifick measures, which have been *speech.*
 ‘ taken on the part of *Great Britain* since our last
 ‘ meeting, that I shall trouble your Lordships with
 ‘ but a very few words.

‘ The motives that have determin’d his Ma-
 ‘ jesty to lay the foundation of an advantageous
 ‘ and honourable peace, rather than risk the con-
 ‘ sequences of an expensive and hazardous war,
 ‘ will be best understood by taking a view of the
 ‘ nature of our differences with *Spain*, the dispo-
 ‘ sition of our neighbours, and our own situation.
 ‘ Our differences with *Spain*, my Lords, relate
 ‘ entirely to trade; they are not founded on her
 ‘ aspiring to universal monarchy, as in the days
 ‘ of Queen *Elizabeth*; they are not founded on
 ‘ the rights of a doubtful succession, as in the
 ‘ days of Queen *Anne*; nor on the ambitious in-
 ‘ croachments upon the property and quiet of
 ‘ our allies, as in the reign of his late Majesty
 ‘ King *George I.* Were any of these the case be-
 ‘ twixt us and *Spain*, we could fall on no way
 ‘ to bring her to reason, but by reducing the
 ‘ power that supported her ambition. In this,
 ‘ we might, as formerly, be assisted by the coun-
 ‘ sels and arms of powerful allies, and we might

' have reason to expect the same success. But our
 ' differences at present are founded entirely on af-
 ' fairs of commerce, to which nothing can be
 ' more fatal, nothing more destructive than a war,
 ' I had almost said, my Lords, than a successful
 ' war, and nothing more beneficial than a safe
 ' and honourable peace. With what gratitude
 ' then ought we to regard a Prince distinguished
 ' by military virtue, who knows no glory that
 ' is separate from the true interest of his subjects,
 ' and disregards all fame, that is not acquired by
 ' those means that will transmit his name to pos-
 ' terity, as the Father of his country! This, my
 ' Lords, is the title which his Majesty has to the
 ' acknowledgments of this house and Parliament,
 ' and to the acknowledgments of all the nation
 ' on this occasion.

' As to the disposition of our neighbours, my
 ' Lords, I own that I am far from thinking, that
 ' it would be favourable to *Great Britain*, if we
 ' had gone to war before we had used our utmost
 ' efforts to obtain peace: Such a conduct in our
 ' administration would have sounded an alarm to
 ' all *Europe*, that *Great Britain* was resolved to
 ' obtain, by the terror of her arms, what she had
 ' no right to expect from the sense of her treaties.
 ' We might then have seen as formidable a con-
 ' federacy against the power of *Great Britain*, as
 ' we saw not many years ago against the ambi-
 ' tion of *France*; and at the same time we must
 ' have been left without one ally, or one conse-
 ' derate; happy if we could prevail with those,
 ' who are now our best friends, to remain neu-
 ' tral. The *French*, according to the representa-
 ' tion of our own merchants, have already cut
 ' us out of some valuable branches of the *Ameri-*
 ' *can* commerce, and watch but an opportunity
 ' to strip us of others. Such an opportunity,
 ' my Lords, they never can have, while we are

' at

' at peace with *Spain*: But a war would soon put
 ' an opportunity into her hand, by disjoining the
 ' interests of the crowns of *Spain* and *Great Bri-*
 ' *tain*, and giving *France* the means of injuring
 ' both, by siding with either, as she finds it
 ' most conducive to her own advantage. So
 ' that whoever understands the interests of *Great*
 ' *Britain* as a trading people, and reflects on the
 ' vast load of debt which the carrying on even a
 ' successful war has laid her under, must be fully
 ' convinced that scarce any peace can be so bad,
 ' as, at this juncture, not to be preferable to a
 ' war: I say, my Lords, at this juncture, when
 ' *Great Britain* enjoys more trade, more peace,
 ' and more plenty, than she was ever known to
 ' do, under any of his Majesty's predecessors.
 ' To hazard all these advantages, by wantonly
 ' plunging the nation into a destructive war,
 ' would be to act inconsistent with that paternal
 ' regard which his Majesty has at all times ex-
 ' press'd for the welfare of his subjects; in short,
 ' my Lords, it would be a measure neither be-
 ' coming his Majesty to take, nor your Lordships
 ' to approve.

' But, my Lords, abstracting from considera-
 ' tions of a domestick nature, give me leave to
 ' say, that it must have been highly impolitic,
 ' on account of the disposition of affairs abroad,
 ' and the unsettled state of *Europe*. The same
 ' system of power no longer prevails in *Europe*,
 ' as when the glorious confederacy was formed to
 ' reduce the ambition of *France*; the Emperor
 ' cannot now send his generals out at the head
 ' of those fine armies, that, in concert with us,
 ' acted so noble a part for the common rights of
 ' *Europe*. His late unsuccessful campaigns against
 ' the *Turks*, the bad state of his finances, and the
 ' divisions which subsist amongst the Princes of
 ' the empire, give him every thing to fear, if

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' *Spain*

‘ *Spain* should, upon any provocation by our
 ‘ acting upon the offensive, be furnished with a
 ‘ pretext for calling in her allies to her assistance.
 ‘ In this case, my Lords, we might be so em-
 ‘ barra’s’d, as not to have it in our power to act
 ‘ with that decisive weight, which every good
 ‘ *Englishman* would wish to see, if the ambition
 ‘ of *France* should prompt her to take advantage
 ‘ of the present low circumstances of the em-
 ‘ pire.

‘ The *Dutch*, my Lords, a people always in-
 ‘ spired with the love of liberty, are now no
 ‘ longer able to send out those formidable navies,
 ‘ which once disputed the empire of the seas with
 ‘ *England* herself. She is no longer able to keep
 ‘ up those troops that check’d the progress of the
 ‘ greatness of *Spain*, and reduc’d the power of
 ‘ *France*. They labour under a vast load of
 ‘ debt, which was contracted by supporting a just
 ‘ and necessary war, and have no other way of
 ‘ retrieving their affairs but by cultivating the arts
 ‘ of peace. Thus, my Lords, our two best and
 ‘ most natural allies are, in a manner, incapaci-
 ‘ tated from affording us almost any assistance in
 ‘ case we should enter into a war, and thereby
 ‘ *Great Britain* must singly sustain all the burden,
 ‘ tho’ other nations may, perhaps, in the event,
 ‘ reap the profits. Besides, who can pretend to
 ‘ say to war, *Thus far, and no farther, shalt thou*
 ‘ *stretch thy fury, here shall thy bounds be fixt?*
 ‘ We are not sure, my Lords, on what element,
 ‘ and in what manner, a war breaking out at
 ‘ this present juncture, may be manag’d. It may
 ‘ be manag’d in a manner, my Lords, no way to
 ‘ the advantage of *England*: In a manner, my
 ‘ Lords, that may render her navy, her best and
 ‘ most natural strength, quite useless for the pur-
 ‘ poses that it is design’d to serve. It may be
 ‘ manag’d, my Lords, in a manner that may cost
 ‘ *Great*

‘ *Great Britain* millions, where it does not cost
 ‘ the other contending power thousands.

‘ It has, my Lords, been rightly observed
 ‘ that the advantages which *Great Britain* ac-
 ‘ quires on the continent prove, in the event,
 ‘ only beneficial to her neighbours. When we
 ‘ gain a battle on the continent, we gain it at the
 ‘ expence of our own blood and treasure; and if
 ‘ we make a conquest we find it almost impracti-
 ‘ cable to preserve it, for it proves either a per-
 ‘ petual source of animosities and jealousies be-
 ‘ twixt us and our neighbours, or the expence of
 ‘ maintaining is much greater than the advantage
 ‘ of possessing it. From this short view, my
 ‘ Lords, of the interests of this nation, and
 ‘ what may further occur to your Lordships, I
 ‘ cannot doubt but you are sensible of the wis-
 ‘ dom of his Majesty’s measures; and that you
 ‘ perceive how dangerous an expedient it had
 ‘ been, if, in order to procure satisfaction for
 ‘ our wrongs, we had entered upon immediate
 ‘ action, and put that satisfaction upon the event
 ‘ of a doubtful war, without first endeavouring
 ‘ to obtain it by a safe and honourable peace:
 ‘ For these reasons, my Lords, I shall conclude
 ‘ with making this motion to your Lordships, (as
 before, see Vol. XVI.)

The Lord *Hobart* spoke next as follows, *viz.*

‘ My Lords,

‘ Tho’ I have never yet troubled your Lord-
 ‘ ships with my sentiments on any publick oc-
 ‘ casion, yet I think the happy prospect of af-
 ‘ fairs given us, in his Majesty’s speech from the
 ‘ throne, affords me the most favourable oppor-
 ‘ tunity of thus publicly expressing my satisfac-
 ‘ tion with his Majesty’s measures. Therefore,
 ‘ my

‘ my Lords, I humbly second the motion the
 ‘ noble Duke has made.’

The speech made by the Lord *Gower* upon introducing his motion for an amendment was thus :

‘ My Lords,

Lord *Gower*
 er's speech.

‘ Tho' I have all the regard and duty for
 ‘ his Majesty that every good subject ought to
 ‘ entertain, yet I own that I cannot prevail with
 ‘ myself so far as to look upon what we just now
 ‘ heard deliver'd from the throne, in any other
 ‘ light than as the dictates of a minister. As
 ‘ such, my Lords, I must beg leave to consider
 ‘ and examine it, and I shall endeavour to do it
 ‘ with that freedom and candour, with which
 ‘ every Lord in this house ought to express him-
 ‘ self upon matters of so great importance to the
 ‘ publick.

‘ To do this, my Lords, with more perspi-
 ‘ cuity, it is necessary that I should review some
 ‘ of the transactions that pass'd last session upon
 ‘ the same subject in this house. This is the
 ‘ more proper upon the present occasion, as they
 ‘ seem to have been either forgot, neglected, or
 ‘ not understood in another place. Your Lord-
 ‘ ships may remember that last session, after the
 ‘ merchants had fully proved their allegations
 ‘ contain'd in their petition to his Majesty, your
 ‘ Lordships came to some resolutions; these reso-
 ‘ lutions, my Lords, I hope are now very proper
 ‘ for our considerations, and hope your Lord-
 ‘ ships will allow your clerk to read them. [*Here
 the clerk read the resolutions.*]

‘ The day, my Lords, when you came to
 ‘ these resolutions, was the most joyful day I ever
 ‘ saw in the course of my life: I then observed
 ‘ that spirit revive among your Lordships, which
 ‘ gives weight to all our counsels, and dignity to
 ‘ all

‘ all our resolutions ; nor, I think, did any Lord
‘ object to the most material resolution, as it now
‘ stands ; which is the first ; a resolution, my
‘ Lords, that is essential to the very being of our
‘ trade, as trade is essential to the very being of
‘ this nation. By that resolution, my Lords, we
‘ see that your Lordships were of opinion, that
‘ a free and uninterrupted navigation to and from
‘ every place of his Majesty’s dominions, was the
‘ right of this nation ; your Lordships were of
‘ opinion, that such navigation ought, upon no
‘ account whatsoever, to be interrupted ; you like-
‘ wise found, that the *Spaniards* have interrupted
‘ it upon many occasions, and that all endeavours
‘ to procure satisfaction had hitherto been useless.

‘ These resolutions, my Lords, spoke the sense
‘ of this house upon that great occasion ; and the
‘ sense of this house, give me leave to say, ought
‘ always to have great weight ; nay, in this case
‘ ought to determine the sense of those who con-
‘ sult in another place : At least, my Lords, our
‘ resolutions, while they stand in force upon our
‘ journals, are rules to ourselves, and we can ap-
‘ prove or disapprove of no measure, but so far
‘ as that measure is consistent with them. Now,
‘ my Lords, how does it appear to your Lord-
‘ ships, that they have either been understood or
‘ regarded in another place ? Can, my Lords, any
‘ man in the kingdom say, from the speech we
‘ have just now heard, that one tittle, one Iota
‘ of what appears to have been the sense of this
‘ house at that time, has been perform’d ? Does
‘ it not confirm, my Lords, a very general ob-
‘ servation without doors, that we have a minis-
‘ try which has neither courage to make war, nor
‘ skill to make peace ? We require a positive and
‘ express security for our navigation ; we require
‘ ample satisfaction for the injuries the subjects of
‘ this kingdom have suffered, and we require sa-
‘ tisfaction

‘tisfaction for the wounds that have been given
‘to the honour of this nation. How are these
‘just demands answered by the minister? (For
‘your Lordships will please to observe, that I all
‘along suppose, that the speech we have now
‘heard comes from the minister.) We are told,
‘my Lords, that a convention is made with
‘*Spain*, that she is to pay us a stipulated sum for
‘the injuries our merchants have receiv’d, and
‘that the decision of every thing else is left to
‘plenipotentiaries. But at the same time we are
‘neither told what this convention is, what the
‘stipulated sum is, nor what particular differences
‘betwixt the kingdoms, these plenipotentiaries
‘have to regulate. Is all this any satisfaction to
‘this house? Is it any satisfaction to this nation?
‘Yet, my Lords, we are as it were called upon
‘to approve of this manner of proceeding: We
‘are called upon to approve of measures that
‘have been concerted and carried on with the
‘knowledge and approbation, I believe, of few
‘Lords in this house: A measure which, tho’ of
‘the greatest importance to the future well-being
‘of this nation, has been ratify’d at a time
‘when, my Lords, he who is, in many respects,
‘besides that of his birth, the second person of
‘this kingdom, has no access to his Majesty’s
‘person! When the Heir of the crown has no
‘more share in his Majesty’s counsels, than any
‘Lord who sits on the lowest bench in this
‘house.

‘I have the honour, my Lords, to sit on the
‘lowest bench in this house, and I am sure I have
‘not the honour to have the smallest share in his
‘Majesty’s counsels; yet, my Lords, that Royal
‘Personage has no more share in them than I have.
‘This I have mention’d, to shew your Lordships
‘how cautious we ought to be in giving the
‘smallest degree of sanction to such measures,
‘and

‘ and to such counsels. But, my Lords, were
‘ not this the case, it is very evident that the
‘ conduct of the ministry, since our last meeting
‘ in this place, as it appears even from the speech
‘ we have now heard, makes it highly improper
‘ for us to agree to the motion made by the noble
‘ Duke.

‘ If the sum stipulated by this convention is no
‘ more than what it is generally given out to be,
‘ it bears no proportion to the injuries our mer-
‘ chants have sustain’d. If the proceedings of
‘ the plenipotentiaries are to be on the foot of
‘ treaties now in force, I will be bold to say, my
‘ Lords, that no differences can subsist betwixt
‘ *Spain* and us, but those plenipotentiaries may
‘ create; for the treaties betwixt us are strong,
‘ clear, and express, impossible, my Lords, to
‘ be mended by any subsequent negotiation. So
‘ that, my Lords, this convention is, probably,
‘ like other late master-pieces of our negotiating
‘ policy, only an expedient to gain time; and
‘ tho’ we cannot tell what its particular terms are,
‘ yet we may venture to tell what they are not.
‘ No Lord here, who has not seen this conven-
‘ tion, as I own I have not, can say that it is
‘ such as puts the future navigation of this king-
‘ dom on a proper foot to free our merchants
‘ from all apprehensions of being insulted, prey’d
‘ upon, and murdered by their injurious neigh-
‘ bours. He cannot affirm that the first, or any
‘ stipulation in it, is answerable to the first resolu-
‘ tion that this house came to last year; I mean
‘ an exemption from all stop or search, on any
‘ account whatsoever, to those vessels who are in
‘ a lawful way of trade upon the open seas. Nei-
‘ ther can he tell us, my Lords, that the sum sti-
‘ pulated is adequate to what our merchants have
‘ suffered by the *Spanish* depredations; nor that
‘ an ample satisfaction is made for the insults and

‘ indignities done to his Majesty and the nation :
 ‘ And if Lords are in the dark as to all these
 ‘ points, on what can they found their appro-
 ‘ bation of the address propos’d by the noble
 ‘ Duke ?

‘ On the other hand, my Lords, any Lord,
 ‘ tho’ he has not seen the convention, yet if he
 ‘ has heard the speech just now deliver’d from
 ‘ the throne, may venture to say what this con-
 ‘ vention *is not*. He may venture to say, that it
 ‘ is not a definitive treaty, whereby the rights of
 ‘ navigation and commerce, which this house
 ‘ found the nation was justly intitled to, are se-
 ‘ cured against all future violations, and put be-
 ‘ yond the possibility of ever afterwards being
 ‘ infring’d in time of peace. My Lords, if it is
 ‘ not such a definitive treaty, if it is not to be
 ‘ attended with these consequences, your Lord-
 ‘ ships advice which was laid before his Majesty
 ‘ last year, has been neglected, it has been despi-
 ‘ sed. If this is the case, my Lords, as in all
 ‘ appearance it is, this is not a time for us to come
 ‘ to the resolution propos’d by the noble Duke
 ‘ who made the motion ; this is not a time for
 ‘ us to make compliments to the crown, which
 ‘ may be the more dangerous, as they may mis-
 ‘ lead his Majesty into the belief that this mea-
 ‘ sure is agreeable to the sense of the people in
 ‘ general, because agreeable to the sense of this
 ‘ house. This I say, my Lords, would be a fa-
 ‘ tal compliment, it would tend to give his Ma-
 ‘ jesty such favourable impressions of the abilities
 ‘ of his ministers, as again to intrust them with
 ‘ the management of these great affairs, upon
 ‘ which the peace and welfare of this kingdom
 ‘ depend ; both which have already suffered so
 ‘ greatly in their hands. Such a proceeding might
 ‘ possess his Majesty, and all the world, with an
 ‘ opinion that we are weak, inconsistent, and in-
 ‘ considerate

' confiderate in our refolutions; by our coming in
 ' one feflion to refolutions, and prefenting them
 ' to his Majefty as the fenfe of this houfe; and
 ' next feflion approving of meafures in which not
 ' only no regard has been had to thefe refolutions,
 ' but that are abfolutely inconfiftent with them.

‘ But, my Lords, tho’ I am intirely againſt
 ‘ our inferting any words in our addreſs, that
 ‘ may give his Majeſty and the nation reaſon to
 ‘ think that we are ſatiſfied with the meaſures pur-
 ‘ ſued ſince laſt ſeſſion, yet I am not at all againſt
 ‘ any expreſſions, however ſtrong, that may evi-
 ‘ dence our zeal for his Majeſty’s ſervice, and
 ‘ our affection to his perſon. But theſe, give me
 ‘ leave to ſay, are beſt conſulted by giving his
 ‘ Majeſty to underſtand, from our ſilence, as to
 ‘ that part of the ſpeech that concerns the con-
 ‘ vention, that we are by no means ſatiſfied with
 ‘ ſuch a meaſure; that we are reſolved not to be
 ‘ ſatiſfied with any thing leſs than an ample and
 ‘ an expreſs renunciation from *Spain*, of all her
 ‘ claims upon the liberty of our navigation, of
 ‘ all her claims to any part of our territories, and
 ‘ of her pretences to a ſovereignty in the *Ameri-*
 ‘ *can ſeas*.

‘ I am far, my Lords, from entering now
‘ upon any disquisition into the terms which this
‘ convention may contain; I have already pro-
‘ fess’d myself intirely ignorant of them, and I
‘ wish they may prove in the event honourable
‘ to the nation. The only consideration that now
‘ lies before us is, how far, by what appears from
‘ the speech we have now heard, we have any
‘ grounds whereon we can found an approbation
‘ of the measures taken by the ministry, with re-
‘ gard to *Spain*, since the last session. And tho’,
‘ my Lords, I have given my opinion as to that
‘ matter, yet I have chiefly confined my argu-
‘ ments to the inconsistency which appears be-

‘ twixt the resolutions now read, and our present
‘ situation with *Spain*, so far as it can be gathered
‘ from his Majesty’s speech.

‘ I shall now take the liberty to trouble your
‘ Lordships with some other arguments, arising
‘ from other circumstances.

‘ The Parliament, towards the close of last ses-
‘ sion, thought proper to strengthen his Majesty’s
‘ hands, by voting a considerable addition to the
‘ sea forces. In consequence of this resolution,
‘ preparations were made, the trade of the nation
‘ was laid under very great disadvantages and in-
‘ cumbrances, and the nation itself put to the ex-
‘ pence of upwards of 500,000 *l.* All this, my
‘ Lords, was chearfully borne; our seamen were
‘ glad of an opportunity to revenge their injuries,
‘ our merchants were pleased with the prospect of
‘ repairing their losses, and the nation in general
‘ was fond of an occasion to vindicate her ho-
‘ nour. The least, my Lords, that could have
‘ been expected from such mighty preparations,
‘ from such happy dispositions, was reparation of
‘ past, and security from future injuries; or if we
‘ fail’d in that, to have known the worst, to have
‘ fallen like men, with our swords in our hands,
‘ and no longer to have continued in this politi-
‘ cal purgatory betwixt peace and war, which
‘ gives us every thing to fear, which leaves us
‘ nothing to hope. But, my Lords, instead of
‘ being put out of uncertainty, we are put into
‘ greater uncertainty than ever; both by the si-
‘ lence of his Majesty with regard to the terms
‘ of this important negotiation, and by the doubt-
‘ ful event that may attend the counsels of his
‘ ministry. Thus, my Lords, in effect, we are
‘ certain of nothing, but of our being in a worse
‘ situation than ever; tho’ uncertain as to the
‘ particular circumstances attending that situation.
‘ We are certain that the publick is 500,000 *l.* the
‘ poorer

‘ poorer than it was at the end of last session,
‘ and, at the same time, has not reap’d one ad-
‘ vantage from so vast an expence. These, my
‘ Lords, I humbly conceive, are not very invi-
‘ ting considerations to induce us to return thanks
‘ for the speech from the throne in the terms pro-
‘ posed by the noble Duke.

‘ I shall trouble your Lordships only with a
‘ few more observations. As affairs have been
‘ managed betwixt us and *Spain*, all the war that
‘ we have had has been but a paper war; and,
‘ my Lords, who has had the advantage in that
‘ war, is no hard matter to determine. But, my
‘ Lords, had the war been managed with swords
‘ instead of pens, and had we spoken from the
‘ mouths of our cannon instead of our ambassa-
‘ dors, I dare boldly to pronounce the advan-
‘ tage would have been on the other side. Not
‘ that we are destitute of as good heads as
‘ they have in *Spain*; but, my Lords, it has not
‘ been our good fortune to have them employed
‘ in this negotiation. We have not yet, my Lords,
‘ had any reason to think that the heads of our
‘ ministers are equal to the hearts of our people:
‘ Therefore, my Lords, give me leave to say,
‘ we have trusted too long to the abilities of the
‘ first, and too much disregarded the sense of the
‘ last. This consideration, my Lords, gives me
‘ great room to apprehend, that, if we should
‘ proceed further in the way of negotiation, the
‘ match is by no means equal; we have ever yet
‘ been losers at that game, and I think it is now
‘ high time for us to alter our play; tho’ I doubt,
‘ my Lords, our affairs are in such a way, that
‘ it is beyond the reach of the ablest heads to
‘ work out our deliverance, any other way than
‘ by a change of measures, and endeavouring to
‘ regain by war what we have lost by negotiation.

‘ For

‘ For these reasons, my Lords, I am for leaving
 ‘ out, (as before mentioned, Vol. XVI.)

The next that spoke was the Duke of *Newcastle*, who spoke in substance as follows :

‘ My Lords,

The Duke
 of *Newcas-*
tle's speech.

‘ The terms of the address, proposed by
 ‘ the noble Lord who spoke first, are drawn
 ‘ up with such unprecedented caution, that it
 ‘ is surprizing to me that it should meet with
 ‘ any opposition. At the same time, my Lords,
 ‘ the reasons which that noble Lord made use
 ‘ of to support the address he moved for, were
 ‘ so strong and so powerful, that it is equal-
 ‘ ly surprizing that the noble Lord who spoke
 ‘ last should not either own his being convinced
 ‘ with their force, or attempt to give them some
 ‘ answer. I am sure, my Lords, if they could
 ‘ have admitted of any answer, the noble Lord
 ‘ was very capable of giving it ; and, I believe,
 ‘ none of your Lordships have any reason to
 ‘ doubt of his being willing.

‘ I shall however, my Lords, endeavour to
 ‘ answer those parts of my noble Lord's speech
 ‘ who spoke last, that are founded on arguments
 ‘ drawn from what his Lordship seems princi-
 ‘ pally to insist on, the inconsistency of our re-
 ‘ solving on an address in the terms proposed, by
 ‘ the noble Lord who spoke first, with the reso-
 ‘ lutions we came to in the last session. I shall
 ‘ then, my Lords, shew the consistency of the
 ‘ address proposed with these resolutions: And,
 ‘ lastly, endeavour to obviate the objections, that
 ‘ were rather hinted at than insisted on, by my
 ‘ noble Lord who proposed the amendment.

‘ The resolutions, my Lords, that you have
 ‘ heard read, were the result of a very candid
 ‘ and impartial examination of the treaties upon
 ‘ which

‘ which our rights of navigation and commerce
‘ in *America* are founded; and, through the
‘ whole course of the debates that happened last
‘ session on this subject, it was always understood
‘ that this house reposed a full confidence in his
‘ Majesty; that the confirmation of these rights
‘ by *Spain* was to be the ground-work of all our
‘ future, as, give me leave to say, they had been
‘ of our past negotiations with that court. At
‘ the same time, my Lords, it was understood
‘ that the house was of opinion that his Majesty
‘ was to do all he could to get these rights con-
‘ firm’d by *Spain*, before he proceeded to the
‘ extremities so warmly insisted on by my noble
‘ Lord. The first resolution is upon a fact, that
‘ we have no reason to believe has been either
‘ neglected or misunderstood by the ministry. I
‘ am not at liberty to inform your Lordships of
‘ the particular manner in which this is guarded
‘ by the convention, nor would it be regular in
‘ me to do it: I shall therefore confine what I
‘ have to say on that head to what his Majesty
‘ has been pleased to hint in his speech from the
‘ throne; and endeavour to shew from thence the
‘ propriety of the terms in which the proposed
‘ address is conceived. This, my Lords, I hope
‘ will be thought a fair and an equitable way of
‘ reasoning, since in all deliberations we are obli-
‘ ged to act according to the evidence that ap-
‘ pears: And the only regular evidence we can
‘ yet have of its being proper or improper for us
‘ to agree to the address without the amendment,
‘ must arise from that part of his Majesty’s speech
‘ which regards this measure.

‘ My noble Lord who spoke last, reason’d all
‘ along upon a supposition, that this house under-
‘ stood that his Majesty was to declare war against
‘ *Spain* immediately upon presenting our last ad-
‘ dress: But it was quite otherwise; for if a trea-

ty could be concluded upon the foot of what this contain'd, all the ends which this house proposed by presenting that address were gained. How does it appear, my Lords, that this was not the principal consideration that enter'd into the negotiations for concluding this convention? Does it appear from his Majesty's speech? No, my Lords, his Majesty has been pleased to inform us, that the convention is for settling all *matters in dispute in such a manner, as may for the future prevent and remove all new causes and pretences of complaint, by a strict observance of our mutual treaties, and a just regard to the rights and privileges belonging to each other.* If we are to reason on the fitness of this measure, my Lords, from these words, there never was any measure more consistent with, and more consequential of the sense of this house. We never intended to dictate to his Majesty the steps that were proper to be taken on the commencement of this negotiation; it was enough, it answered all our purposes, if our rights were put on such a foot, as to render it impossible for the *Spaniards* to have any pretext for continuing their depredations and violences. If the definitive treaty which is to follow upon this convention, has regard to, and is founded on the treaties now in force betwixt the two crowns, as is strongly implied by his Majesty's words, it is as much as the most sanguine Lord in this house can, with any colour of reason, insist on. Your Lordships first resolution, which has been read by your clerk, is founded on an observance of those treaties, and the observance of those treaties is the only true security which we can have for our commerce and navigation. Therefore, my Lords, I cannot see the least foundation for inferring any inconsistency betwixt this convention, so far as it appears from his Majesty's
speech,

speech, and your Lordships resolutions of last session.

‘ I shall now, my Lords, take the liberty to consider the words of the address proposed by the noble Duke who spoke first. Your Lordships there declare, *That you offer his Majesty your thanks for acquainting you from the throne, that a convention is concluded, and likewise for his Royal Care in making use of the confidence reposed in him with no other view, but the general and lasting benefit of the kingdom.* You then proceed, my Lords, to say, *That reparation for past injuries and losses, and effectual security for the future, founded in justice, and warranted by treaties, have been the great views of his Majesty and the Parliament in this national and important affair.* Can any thing be more unexceptionable? Can any thing be more congruous with the sense which this house has always entertained of this matter, than these expressions? There is implied in them no blind approbation of a measure which you know nothing of, and which precludes any of your Lordships from making what objections you please to the convention, when it may come before you. If your Lordships should then find, that reparation for past injuries, and security for the future are not sufficiently provided for by that convention, your Lordships are so far from being tied up from objecting to it, that these very expressions are so many rules, which you have already laid down for judging of its merits, and by them you give the nation and the ministry to understand, that you are resolved to approve or disapprove of this measure, in proportion as you shall find it agreeable to, or inconsistent with these sentiments.

‘ I have heard it laid down as a very good rule, whereby one can judge of the fitness or

‘ unfitness of any proposition, To invert the mean-
 ‘ ing of the words, and then to compare the real
 ‘ with the inverted sense, and if the latter is
 ‘ highly absurd, it is a strong presumption in fa-
 ‘ vour of the former. If that rule were to be
 ‘ applied in this case, how would the last sentence
 ‘ which I repeated from the noble Duke’s motion
 ‘ stand? Why, my Lords, we should then de-
 ‘ clare, that reparation for past injuries, and secu-
 ‘ rity for the future, were *not* to be founded on
 ‘ justice, and warranted by treaties; we should
 ‘ then declare, that reparation for past injuries,
 ‘ and security for the future, founded on justice,
 ‘ and warranted by treaties, were *not* the great
 ‘ views of his Majesty and of this house. What
 ‘ a string of monstrous absurdities should we have
 ‘ in such expressions!

‘ My noble Lord who spoke last, was pleased
 ‘ to find fault with this convention, because it is
 ‘ not a definitive treaty. Really, my Lords, I
 ‘ should have been as glad as any Lord in this
 ‘ house, if a definitive treaty could have been
 ‘ brought about with *Spain* before this time: But,
 ‘ my Lords, whoever considers the complication
 ‘ of demands on both sides, the multitude of in-
 ‘ tricate facts that were to be examined into, and
 ‘ the various pretensions to be adjusted, must be
 ‘ of opinion, that there is more done since last
 ‘ session, than could have reasonably been expect-
 ‘ ed, especially as we had to do with *Spaniards*,
 ‘ a people not at all famous for their dispatch in
 ‘ business; and, my Lords, tho’ this is no defi-
 ‘ nitive treaty, yet it lays a very solid and ample
 ‘ foundation for such a treaty.

‘ In any definitive treaty that should have been,
 ‘ or is to be made, two things are principally to
 ‘ be regarded: The first is, reparation for past in-
 ‘ juries; the next, security for the future. As the
 ‘ first immediately regards our suffering merchants,
 ‘ his

his Majesty, like the true Father of his people, chose to have their interests taken care of even previous to those of his own crown. In this respect, my Lords, the convention is a definitive treaty; since, by it, the account between *Spain* and *England* is adjusted, and the sum to be paid to our merchants, stipulated. The other part, which a definitive treaty must consist of, is security for the future. This, my Lords, as appears from his Majesty's speech, is as fully provided for, as it is possible to be in any act that is not definitive. Plenipotentiaries are to be appointed, the plenipotentiaries are in a limited time to finish their negotiation; and the ground-work of this negotiation is to be a strict observance of mutual treaties, and the just regard to the rights and privileges belonging to the two contracting powers. Thus, my Lords, the foundation for such a definitive treaty, as every man in this nation ought to wish for, is laid; and, at the same time, we have an earnest of the sincerity of *Spain*, in finishing such treaty, by her agreeing to pay the stipulated sum to our merchants. For, my Lords, if no definitive treaty is to follow upon this convention, we have gained this vast advantage, that the demands of our merchants are satisfied. Besides, my Lords, the allowing this very satisfaction implies all that we can claim from any future treaty. For to what purpose is this money paid? It is paid to satisfy our merchants for those damages which they have sustained in violation of the treaties subsisting betwixt *England* and *Spain*, and our rights of navigation. My Lords, if the court of *Spain* did not own that these treaties have been violated, that these rights have been infringed, we cannot suppose that she would have paid damages for such a violation. If she entertains any hopes that our

‘ plenipotentiaries may give them up, this is the
 ‘ most likely way in the world to disappoint her.
 ‘ She has now owned herself guilty, and gives
 ‘ us an earnest of her sincerity in concurring in
 ‘ such measures as may prevent any future inju-
 ‘ ries or differences betwixt the two nations.
 ‘ Thus, my Lords, I have endeavour’d to ex-
 ‘ plain to your Lordships what the convention
 ‘ is, as the noble Lord was pleased to explain
 ‘ what *it is not*; and, as I have all along kept
 ‘ in my eye the words of his Majesty’s speech, I
 ‘ hope your Lordships will not find that I have
 ‘ exaggerated any of its advantages.

‘ My noble Lord who spoke last was pleased
 ‘ to condemn the whole of the proposed address,
 ‘ except the first paragraph, but did not point
 ‘ out any particular passages that are exception-
 ‘ able: But, my Lords, it is no hard matter to
 ‘ guess at those passages which he thought most
 ‘ so, from the tendency of his Lordship’s speech.
 ‘ The address proceeds to assure his Majesty, *That*
 ‘ *if these purposes, reparation and security, can be*
 ‘ *attain’d without plunging the nation into a war,*
 ‘ *it must give the truest satisfaction to all his faith-*
 ‘ *ful subjects.* Can any man, my Lords, deny
 ‘ the justness of this proposition? Is it not as
 ‘ expressive of tenderness for the rights of the
 ‘ subject, as of duty to the person of his Ma-
 ‘ jesty? A war, my Lords, wantonly entered
 ‘ upon, might soon be attended with worse
 ‘ consequences to the interests of our merchants,
 ‘ and to the nation in general, than all the de-
 ‘ predations we have yet suffered from *Spain*.
 ‘ And tho’ it should become necessary, yet it
 ‘ never can be eligible. It is therefore sur-
 ‘ prizing to hear some amongst us, who are
 ‘ perpetually complaining of the decay of trade,
 ‘ and the exorbitancy of taxes, perpetually in-
 ‘ sisting upon measures that must utterly ruin
 ‘ the

‘ the one, and greatly inhanche the other. There-
‘ fore, my Lords, it is just, it is prudent, in us,
‘ to let all *Europe* see, by our address to his Ma-
‘ jesty, that we prefer an honourable peace to
‘ an uncertain war: This will remove all suspi-
‘ cion from other powers, of our entertaining
‘ any ambitious designs to dispossess *Spain* of what
‘ has been granted to her by so many express
‘ treaties. We thereby make it a defensive war
‘ on our side, and deprive them of all pretext
‘ to call in their allies to their assistance; and
‘ indeed what allies will assist in a war under-
‘ taken to support rapine and injustice?

‘ But, my Lords, while we talk of these mea-
‘ sures, we absolutely leave the subject of this
‘ debate; a fault, my Lords, which, while I
‘ blame in others, I am very apt to commit my-
‘ self. The business we are now upon, with all
‘ submission, is not an enquiry into the conduct
‘ of the ministry since our last meeting, but
‘ how far it may be proper in us to agree to
‘ the amendment made by the noble Lord who
‘ spoke last. His Lordship, in support of his
‘ amendment, did not think fit to point out any
‘ particular improprieties in the address moved
‘ for by the noble Duke; he did not shew us
‘ wherein any of its expressions tended to ap-
‘ prove of the measures of the ministry that
‘ have not yet come to the knowledge of the
‘ publick. But my noble Lord thinks that all
‘ expressions of thanks, all assurances of duty to
‘ his Majesty, ought to be reserved till we see
‘ how well his ministers have deserved. My
‘ Lords, an address of thanks for a speech from
‘ the throne has always been looked upon as
‘ matter of form, as a compliment paid to the
‘ crown; and your Lordships have never thought
‘ it necessary to confine your assurances of duty
‘ and zeal to the information you received of a
‘ minister’s

‘ minister’s conduct since your last meeting.
 ‘ When his Majesty told you that a treaty had
 ‘ been made during your recess, you never
 ‘ thought it necessary to be informed of the
 ‘ particular contents of such a treaty, before
 ‘ you agreed to the resolution of presenting
 ‘ thanks to his Majesty for the care he had
 ‘ taken in making such a treaty, and the regard
 ‘ he had shewed to the house by informing
 ‘ them that such a treaty was made. There is
 ‘ an instance of this upon your Lordships jour-
 ‘ nals, the first session after the treaty of *Seville*
 ‘ was concluded. The affairs of *Europe* were at
 ‘ that time in a very ticklish situation, and that
 ‘ treaty was to determine a great many impor-
 ‘ tant points in dispute betwixt us and *Spain*:
 ‘ Yet, notwithstanding all this, your Lordships
 ‘ did not think it absolutely necessary to have
 ‘ that treaty communicated to the house before
 ‘ you came to a resolution of an address of
 ‘ thanks to his Majesty on that subject. My
 ‘ Lords, you voted an address in much stronger
 ‘ terms than any contained in the address now
 ‘ under your Lordships consideration; but it was
 ‘ never meant to preclude any of your Lord-
 ‘ ships from making your objections to the
 ‘ treaty when laid before you. I could bring
 ‘ multitudes of instances of this kind; but think
 ‘ this one sufficient for my present purpose.

‘ The noble Lord who spoke last, said, and
 ‘ indeed he said it very justly, that the speech
 ‘ from the throne was to be considered as the
 ‘ speech of the minister. My Lords, it is so;
 ‘ and I believe it ever will be so, as long as we
 ‘ have a King, and as long as we have a minis-
 ‘ ter. But, my Lords, the addresses we return to
 ‘ such speeches can never be looked upon as any
 ‘ compliment to the minister, or giving any sanc-
 ‘ tion to his measures, because they are full of
 ‘ expressions

‘ expressions applicable to Majesty alone ; and it
‘ has ever been thought necessary to insert such
‘ expressions, that the nation and all the world
‘ may have reason to look on the Crown and the
‘ Parliament as but one body, acting for the
‘ common good of the nation. If, my Lords,
‘ there ever was a time when a right understand-
‘ ing betwixt his Majesty and his Parliament was
‘ necessary for the good of the publick, this is
‘ that time. If ever there was a time wherein it
‘ might be improper for us to abate any of our
‘ expressions of duty and zeal, it is now. And
‘ give me leave to add, my Lords, that there
‘ never was a time wherein your Lordships had
‘ less reason to make any such alterations in your
‘ ordinary forms of proceeding.

‘ Having thus, my Lords, I hope, shewed
‘ the consistency of the address moved for by
‘ the noble Duke who spoke first, I shall beg
‘ leave now to say a few words in answer to
‘ some things that fell from my noble Lord who
‘ spoke for the amendment. His Lordship was
‘ pleased to think it extremely odd, that we have
‘ reapt no other advantages besides this conven-
‘ tion from the great addition with which we
‘ strengthened his Majesty’s hands. Great pre-
‘ parations were made, says the noble Lord, the
‘ nation was put to great expences, and now we
‘ are obliged to take up with a convention instead
‘ of a treaty. My Lords, give me leave to say
‘ that we are quite in the dark what that conven-
‘ tion may be ; the noble Lord will not condemn
‘ a thing unseen, unheard. I have, I hope, pro-
‘ ved to your Lordships, from the words of his
‘ Majesty’s speech, that we have all the reason
‘ in the world to presume the best of this con-
‘ vention, nor do I think the noble Lord has ad-
‘ vanced one argument that can prove the con-
‘ trary. As to the preparations we have made,
‘ and

‘ and the expences we were at, your Lordships
‘ judgment of them can be determined only by
‘ the effects they have had, and your Lordships
‘ can only know what these effects are, when
‘ the convention is laid before you, which will
‘ be in a very few days. In the mean time, my
‘ Lords, I will be bold to say, had it not been
‘ for the fleet we fitted out, and the vigorous
‘ preparations that we made, the *Spaniards* would
‘ never have been brought to treat, they could
‘ never have been brought to allow of a repara-
‘ tion of the damages our merchants have suf-
‘ tained. And, my Lords, I will say farther,
‘ that this reparation, that this owning them-
‘ selves to have been in the wrong, was a more
‘ happy effect of an armament, than ever was
‘ known on the like occasion. Search our histo-
‘ ries, my Lords, look back into all the treaties
‘ that have been made betwixt us and any other
‘ nation in the world, or betwixt any two na-
‘ tions treating together, we shall find no in-
‘ stance where the offending nation not only ad-
‘ mitted herself to have been in the wrong, but
‘ actually to have paid damages for that wrong.
‘ So that, my Lords, upon the whole it is fur-
‘ prizing, that the noble Lord who was for the
‘ amendment, should tell your Lordships, that
‘ we are certainly now in a worse situation than
‘ ever. Is not the contrary evident? Have we
‘ not brought the *Spaniards* to treat? Have we
‘ not laid it down as the foundation of a future
‘ treaty, that they are no longer to act upon the
‘ same principles, and in the same manner, that
‘ have given us so just grounds to complain?
‘ And as this is a settled preliminary, I should
‘ be glad to know of any noble Lord, what
‘ treaty concluded with *Spain* can be disadvanta-
‘ geous to this kingdom, where such a prelimi-
‘ nary is laid down. I am sorry I have detained
‘ your

‘ your Lordships thus long upon a subject which
 ‘ I believed could have admitted of very little
 ‘ debate, but I thought the station I have the
 ‘ honour to serve his Majesty in, required me
 ‘ to do all that I could to clear up any doubts,
 ‘ and to remove any objections, which Lords
 ‘ might entertain against the address, as moved
 ‘ for by the noble Duke.’

The Duke of *Bedford* spoke next as follows :

‘ My Lords,

‘ There is not any one reason that has been Duke of
Bedford's
speech.
 ‘ advanced by the noble Duke who spoke last,
 ‘ that has not a quite contrary effect upon me,
 ‘ than what it seems to have upon the noble
 ‘ Duke. His Grace thinks that we ought to
 ‘ approve of this convention, because we are in
 ‘ the dark about it; my Lords, that is the very
 ‘ reason why I think we ought not to ap-
 ‘ prove of it: I think we have been kept too
 ‘ long in the dark already, with regard to every
 ‘ step of this long and intricate negotiation with
 ‘ *Spain*. Perhaps, my Lords, if we had been
 ‘ kept less in the dark some years ago, the na-
 ‘ tion might have seen its interest more clearly;
 ‘ we could then perhaps have interposed with
 ‘ greater dignity, with greater weight, than, I
 ‘ am afraid, we can now. But I hope it is not
 ‘ yet too late; the convention which his Ma-
 ‘ jesty has been pleased to inform us of from
 ‘ the throne, can never be thought to have re-
 ‘ ceived its finishing stroke, but from the appro-
 ‘ bation or disapprobation of both houses of Par-
 ‘ liament. We have, my Lords, before this
 ‘ time rescued the nation from ruin, by rejecting
 ‘ measures that had received the last hand from
 ‘ a ministry, perhaps a corrupt ministry indeed,
 ‘ but a ministry that had the same power, the
 ‘ same

‘ same authority for what it did, that any subsequent ministry can pretend to have. Your Lordships, no doubt, know that I mean the famous treaty of commerce with *France*, which was thrown out by the Parliament of *Great Britain* about the time when the treaty of *Utrecht* was concluded.

‘ I shall willingly agree with the noble Duke who spoke last, in thinking that our unanimity is the best means of securing the nation against all the attacks either of her open or concealed enemies: But that unanimity, my Lords, can only be brought about by every Lord in this house contributing all that is in his power towards discovering by what means it has happened, that the solemn resolution of this house, which was laid before his Majesty, has been neglected, wilfully neglected, by the negotiators of this convention. Can it be expected, my Lords, that we shall be unanimous in our approbation of a measure that carries along with it such evident marks of disrespect to Parliament, and thereby lays the foundation of measures that may put it out of our power ever after to be of service to the nation? My Lords, I can never be persuaded, that if the ministry had got from *Spain* an ample renunciation of all pretence to a right of searching our ships on the open seas, they would not have informed the nation of so considerable a point gained; we should have heard of it in all companies, in all our news-papers; and, my Lords, it would have been fully and explicitly set forth in his Majesty’s speech. Therefore, my Lords, even his Majesty’s silence on that head is to me a sufficient proof, that no such renunciation has been obtained; nay, to me it is a proof, that the *Spaniards* insist on their claim to search our ships, and that

‘ we have even submitted to have it discussed
‘ by the plenipotentiaries, who are to meet upon
‘ the definitive treaty. This is so evident a
‘ contempt of the Parliament’s advice, as if
‘ two plenipotentiaries were better judges of our
‘ rights of navigation and commerce, than both
‘ houses of Parliament, that it is surprizing to
‘ me, that even an attempt should be made to
‘ excuse it, much more to defend it.

‘ My Lords, when I heard that a convention
‘ was concluded, I imagined that the definitive
‘ treaty, which is to follow on that convention,
‘ would not be referred to commissaries; and
‘ that some other name would be invented for
‘ these gentlemens powers. We had enough of
‘ commissaries at the treaty of *Seville*; that trea-
‘ ty, my Lords, was, in the main, little better
‘ than a convention; since, as in other conven-
‘ tions, a great deal was left to the decision of
‘ commissaries. None of your Lordships are ig-
‘ norant of the progress these commissaries made
‘ in settling the affairs referred to their decision;
‘ and that, after some years expensive and fruit-
‘ less negotiations, they left them in a more per-
‘ plex’d state than they were before. The points
‘ left to their decision were not indeed of such
‘ importance, as those which by this convention
‘ seem to be left to plenipotentiaries: But, my
‘ Lords, can we easily imagine that plenipoten-
‘ tiaries will be more expeditious than commis-
‘ saries? I am apt to think, my Lords, that
‘ they will be a great deal more slow, because
‘ the points referred to their decision are of a
‘ much weightier nature. Therefore, my Lords,
‘ as we have found already by experience, that
‘ an eventual treaty, if I may call it so, has
‘ been so detrimental to the nation, I think it
‘ would be highly improper for us to approve
‘ of our ministry’s concluding another, which
‘ we

‘ we have great reason to think is of a still more
 ‘ pernicious nature. My Lords, I would not be
 ‘ understood as if I were absolutely for con-
 ‘ demning the convention before we know what
 ‘ it is; but I humbly conceive, that there is a
 ‘ great difference betwixt not giving a sanction
 ‘ to a measure, and utterly rejecting it. By our
 ‘ agreeing to the address as amended, we only
 ‘ give the ministry to understand, that we are sur-
 ‘ prized they should venture on a manner of ne-
 ‘ gotiating, that has been already so detrimental
 ‘ to the nation: But we don’t at all profess, that
 ‘ we are resolved to disapprove of it, if, con-
 ‘ trary to what we apprehend, there should be
 ‘ some peculiar advantages in this negotiation,
 ‘ that may reconcile it to the interests of the
 ‘ kingdom. This, my Lords, is the light in
 ‘ which I view the opposition that is made to the
 ‘ address proposed by the noble Duke. And, my
 ‘ Lords, by agreeing to the amendment we don’t
 ‘ go the length that Parliaments used to go in for-
 ‘ mer times. Formerly, my Lords, when a speech
 ‘ was made from the throne, a particular day was
 ‘ appointed by Parliament for taking that speech
 ‘ into consideration, and in the mean time a
 ‘ committee was appointed for inquiring into,
 ‘ and drawing up a state of the grievances of
 ‘ the nation. And, my Lords, these grievances
 ‘ were presented to the throne before they re-
 ‘ turned their address of thanks, which was al-
 ‘ ways qualified according to the hopes which
 ‘ the crown gave them of redressing these grie-
 ‘ vances. My Lords, no man who understands
 ‘ the history of *England*, will say that our fore-
 ‘ fathers were either wanting in the duty they
 ‘ owed to the Prince, or in their concern for the
 ‘ liberty of the subject. And, my Lords, tho’
 ‘ the liberty of the subject may now seem more
 ‘ secure from the encroachments of the crown
 ‘ than

‘ than it was formerly, yet the example of our
 ‘ wife ancestors cannot be too closely imitated,
 ‘ especially when we are apprehensive of any of
 ‘ those grievances under which they laboured.
 ‘ For these reasons, my Lords, I am for the a-
 ‘ mendment.’

The next speaker was the Earl of *Scarborough*,
 who spoke thus :

‘ My Lords,

‘ I have considered the address proposed by Earl of Scar-
 ‘ the noble Duke, with all the exactness, with borough's
 ‘ all the impartiality I am capable of. I have speech.
 ‘ the greatest personal regard imaginable for the
 ‘ noble Lords who have spoke in this debate :
 ‘ And, my Lords, were my opinion to be de-
 ‘ termined by private views only, my esteem
 ‘ for the Lords who have spoken on this ques-
 ‘ tion is so equal, that I should remain neutral ;
 ‘ But when I either consider this address by it-
 ‘ self, or compare it with addresses upon the like
 ‘ occasions, I cannot but be of opinion that our
 ‘ agreeing to it, without any amendment, is no
 ‘ more than a bare acknowledgment of duty to
 ‘ the person of his Majesty, and is even inferior
 ‘ to the assurances which this house has often
 ‘ given to the crown at the opening of a ses-
 ‘ sion.

‘ My Lords, when the convention shall be
 ‘ laid before your Lordships, no Lord here shall
 ‘ be more impartial and sincere in declaring his
 ‘ sentiments upon it than I shall be. And, my
 ‘ Lords, if I thought there was the least expres-
 ‘ sion in this address without the amendment,
 ‘ that precludes me from delivering myself af-
 ‘ terwards with freedom, no Lord should be
 ‘ more hearty than I for the amendment. But,
 ‘ my Lords, I can't see any one expression in
 ‘ the

‘ the address without the amendment, that can
 ‘ be wrested into an approbation of the conven-
 ‘ tion. We there declare, in general terms,
 ‘ what no Lord can deny; we declare that if
 ‘ the ends of peace can be procured without
 ‘ plunging the nation into a war, that such a
 ‘ conduct is certainly eligible; we express our
 ‘ gratitude to his Majesty for his endeavours to
 ‘ obtain these ends by the more moderate mea-
 ‘ sures of negotiation. Where, my Lords, is
 ‘ the compliment to the minister here? His
 ‘ Majesty has told you that he has endeavoured
 ‘ to obtain a peace that will answer the expecta-
 ‘ tions of the kingdom: We thank his Majesty;
 ‘ for what? Not for that peace; but, for his
 ‘ endeavouring to procure such a peace: For if
 ‘ it is not such a peace, my Lords, we are still
 ‘ at liberty to object to it, when it is laid before
 ‘ us. If a man tells me that he had done his
 ‘ utmost to serve me in such or such an affair;
 ‘ if I believe that man to be an honest man, I
 ‘ am bound to thank him for his good inten-
 ‘ tions, even tho’ I should be sensible at the
 ‘ same time his zeal was mistaken, nay tho’ I
 ‘ may afterwards find that it has been prejudicial
 ‘ to my interests.

‘ Your Lordships thank his Majesty for ac-
 ‘ quainting the house that a convention is con-
 ‘ cluded, and that it shall be laid before the
 ‘ house. My Lords, I am sure there is nothing
 ‘ here that looks like incense to the minister.
 ‘ Your Lordships know that the power of peace
 ‘ and war is in the crown, as the noble Lord
 ‘ who spoke last observed; and that our consti-
 ‘ tution always understands that the crown has
 ‘ a right to make either, without the participa-
 ‘ tion of Parliament. No wise King will in-
 ‘ deed venture upon this; but, my Lords, no
 ‘ dutiful Parliament will refuse to thank such a
 ‘ King

‘ King for his condescension in thus making the
‘ Parliament as it were partners in his preroga-
‘ tive. In the last paragraph, my Lords, we
‘ declare that we will endeavour to avoid all
‘ heats and animosities. Can any thing be more
‘ desirable, my Lords, than unanimity? Can
‘ any thing be more pernicious to publick de-
‘ liberations than discord? In this natural, this
‘ simple manner, my Lords, I view this address.
‘ I have no farther aim in giving my voice for
‘ it, than to express my duty and regard to his
‘ Majesty’s person. I don’t know what appre-
‘ hensions other Lords may entertain, but I see
‘ no grounds for any; and I should be sorry,
‘ my Lords, if our jealousy of the ministry
‘ should ever make us violate our duty to the
‘ crown. I am far from disapproving of such
‘ a jealousy, while it is kept within proper
‘ bounds; but, my Lords, when it suggests
‘ imaginary fears, and groundless apprehensions,
‘ such a jealousy may be productive of as fatal
‘ consequences, as too great confidence. My
‘ Lords, I own I am not deep-drawn in poli-
‘ ticks; therefore I cannot answer for the uses
‘ which the ministry may make of this address
‘ if agreed to without the amendment: But,
‘ my Lords, I here openly declare before all
‘ your Lordships, tho’ I am for agreeing to
‘ this address without the amendment, that I
‘ reserve to myself the privilege of speaking
‘ my thoughts with regard to this convention,
‘ in as full and explicit a manner, as I must be
‘ supposed to have done if this address had
‘ never been moved for, nor agreed to. My
‘ Lords, perhaps, when the convention comes
‘ to be laid before us it may be found that,
‘ tho’ I differ from some noble Lords with re-
‘ gard to this address, yet that I do not differ
‘ very widely from them with regard to my

‘ sentiments about the convention. Therefore,
 ‘ my Lords, I could heartily wish that all your
 ‘ Lordships would view this address in the same
 ‘ light that I do. This, my Lords, will be the
 ‘ means of answering the just expectations of
 ‘ his Majesty, and letting all the kingdom see
 ‘ that no consideration shall divert us from a
 ‘ pursuit of the publick good.’

The Earl of *Chesterfield* spoke next as follows :

Earl of *Chesterfield*'s
speech.

‘ My Lords,
 ‘ The esteem and affection I have for his Ma-
 ‘ jesty, and the regard I have for every thing
 ‘ that may any way contribute towards establish-
 ‘ ing him in the hearts of his subjects, are so
 ‘ well known, that I need not trouble your
 ‘ Lordships with any professions on that head;
 ‘ and if there were nothing in the address now
 ‘ proposed, but expressions of duty towards him,
 ‘ and zeal for his service, I should be far from
 ‘ desiring or agreeing to any amendment; but
 ‘ the duty I owe to my King, the regard I have
 ‘ for the honour of this house, and the resent-
 ‘ ment every man ought to shew for the inju-
 ‘ ries his country has received, forbid my agree-
 ‘ ing to the proposition as it now stands.

‘ I shall agree, my Lords, that those expres-
 ‘ sions, which may be thought to relate to any
 ‘ part of our late conduct, are very general,
 ‘ more than ordinary care has been taken to
 ‘ make them so; but even this is an argument
 ‘ for the amendment proposed. So great cau-
 ‘ tion is a sort of proof that matters are not all
 ‘ right; it shews a consciousness of some misbe-
 ‘ haviour, which ought to give us suspicion;
 ‘ and that suspicion ought to make us avoid in-
 ‘ serting any thing, tho’ in the most general
 ‘ terms, that may relate to our late conduct.

‘ In

‘ In the proposition as it now stands, there are
‘ many paragraphs that, notwithstanding their
‘ being addressed to the King, must relate to
‘ the conduct of our ministers; for whatever is
‘ done, we must in this house suppose to be
‘ done by the ministers; and therefore, if we
‘ make use of any expressions that may look
‘ like compliments upon our late conduct, tho’
‘ they be addressed to the King only, they will
‘ without doors be looked on as an approbation
‘ of what has been done by the minister. They
‘ will be represented as such in a place, where,
‘ from this house, nothing should come that
‘ may in the least misguide.

‘ The paragraphs that relate to our late trans-
‘ actions, are indeed so general, and the turn of
‘ expression so artfully and cautiously chosen,
‘ that upon any ordinary occasion, I should not
‘ perhaps have made an objection; but, my
‘ Lords, the present emergency is the most ex-
‘ traordinary, the most important, that has ever
‘ happened since I have had the honour to sit
‘ in this house. Our trade, our very being, is
‘ deeply concerned in every resolution we can
‘ come to during this session of Parliament.
‘ The only profitable branch of our trade, I
‘ am afraid, the branch upon which all the o-
‘ ther, and consequently the being of this na-
‘ tion, depends, is now at stake. It has been in
‘ danger for many years; but it is now upon the
‘ brink of perdition, and can be recovered from
‘ the precipice upon which it stands, only by
‘ the integrity, the wisdom, and the steadiness
‘ of this house.

‘ I shall not pretend, my Lords, to know any
‘ thing of the convention we have lately, it
‘ seems, accepted of. I say, my Lords, I shall
‘ not pretend to know any thing more of it,
‘ than what his Majesty has been pleased to im-

‘ part to us, by his speech from the throne ; but
 ‘ from what he has told us of it, I must think
 ‘ it ought, I hope it will be censured. By his
 ‘ Majesty’s speech he has told us positively what
 ‘ is done, and negatively, what is not done.
 ‘ He has told us, we have got the promise of a
 ‘ stipulated sum, for he does not say that this
 ‘ sum is either paid, or secured to be paid ; but
 ‘ he has likewise told us, that we have got no-
 ‘ thing else ; all the rest of our disputes with
 ‘ *Spain* are referred to commissaries, who are
 ‘ now to be called plenipotentiaries. They are
 ‘ to have a higher title than they had formerly ;
 ‘ consequently, I suppose, they must have higher
 ‘ salaries ; and this will of course make them
 ‘ draw their negotiations out to a greater length.

‘ This, my Lords, makes the case very dif-
 ‘ ferent from what it was with relation to the
 ‘ treaty of *Seville*. His Majesty, in his speech
 ‘ from the throne, after the conclusion of that
 ‘ treaty, told us nothing we could have the least
 ‘ pretence to find fault with. He then told us,
 ‘ we had got every thing we could wish for ;
 ‘ and he certainly thought so ; but we soon
 ‘ found that he had been misinformed, and that
 ‘ we had been too rash. Now he is so far from
 ‘ having told us, we have got every thing we
 ‘ could wish for, that he expressly tells us, we
 ‘ have got what, I think, may properly be
 ‘ called nothing ; what I am convinced will ap-
 ‘ pear to be so. There is therefore no prece-
 ‘ dent for what is now proposed ; and if there
 ‘ were, there are but few late precedents that
 ‘ can be much insisted on as good rules for our
 ‘ future conduct.

‘ Reparation for the losses our merchants have
 ‘ sustained is, ’tis true, my Lords, an article
 ‘ which we ought to have insisted on ; but it is
 ‘ the article of the least consequence, and the
 ‘ only

‘ only article which could admit of a discussion
‘ before commissaries or plenipotentiaries, call
‘ them which you will. The other articles in
‘ dispute between us and *Spain*, are all of much
‘ greater consequence; and they are of such a
‘ nature, as cannot admit of a discussion; be-
‘ cause they must be expressly granted, or pe-
‘ remptorily denied. Yet this article about re-
‘ paration, his Majesty has told us, is the only
‘ article that is settled by this convention; so
‘ that what cannot admit of a reference, we
‘ have referred; and what could not in its own
‘ nature admit of a just and immediate determi-
‘ nation, we have determined. But how, my
‘ Lords, is it determined? not at all to the ho-
‘ nour or advantage of *Great Britain*, if I am
‘ rightly informed. We have, it seems, made
‘ a lumping bargain of it. Our merchants
‘ claimed 430,000*l.* they had really been rob-
‘ bed of by the *Spaniards*; without reckoning
‘ the loss they sustained by the interruption of
‘ their trade, by the high premiums they paid
‘ upon insurance, and many other losses that
‘ have been occasioned by these depredations.
‘ They claimed this sum as the value only of
‘ those ships, that had been actually sent out by
‘ them, and seized or plundered by the *Spani-*
‘ *ards*: They claimed nothing for the ships they
‘ might, and would have sent out, if it had not
‘ been for the interruption they met with in
‘ their trade; nor did they claim any thing for
‘ the high insurance, and other extraordinary
‘ charges, they were put to upon those ships
‘ that had the good luck to escape. A compu-
‘ tation of this kind, would have made their
‘ claim amount to double the sum; yet this
‘ great claim, it seems, we have lump’d with
‘ the *Spaniards*, and by this convention have ac-
‘ cepted 155,000*l.* in full for the whole; and

‘ even this sum, notwithstanding this most extraordinary abatement, is not to be paid to our
 ‘ merchants by the *Spaniards*, but by ourselves.
 ‘ Is this, my Lords, to be called a reparation?
 ‘ and yet this reparation, such as it is, has cost
 ‘ us at least 4 or 500,000*l.* extraordinary charges, since last session of Parliament. If this
 ‘ be a reparation, I hope we shall have no more
 ‘ such; two or three such reparations would undo us.

‘ From hence your Lordships will see, we
 ‘ have no great reason to approve of what his
 ‘ Majesty has told us we have got; and now
 ‘ with regard to what his Majesty has told us
 ‘ we have not got: Are plenipotentiaries to regulate the searching of our ships upon the
 ‘ high seas? I hope no *British* plenipotentiary
 ‘ will dare to regulate, what this nation must
 ‘ never, nor in any shape, admit. No search,
 ‘ my Lords, is the word with every Man of
 ‘ common sense in the kingdom. It was the
 ‘ sense of both houses, last session of Parliament; and in the resolution your Lordships
 ‘ then came to upon this very head, you have
 ‘ declared, that the searching of our ships, on
 ‘ the open seas, is a violation of the treaties
 ‘ subsisting between the two crowns. No search
 ‘ was therefore the chief article we ought to
 ‘ have insisted on, in any new treaty between
 ‘ the two crowns. Without this we can have
 ‘ no security, we can have no reparation for the
 ‘ insults and dishonour the *British* flag has met
 ‘ with: They have lately set up a pretence to
 ‘ search our ships upon the open seas: The very
 ‘ setting up of such a pretence, is an affront put
 ‘ upon us by them; but to conclude any treaty
 ‘ or convention with them afterwards, without
 ‘ an express disavowal of all pretences of that
 ‘ kind, is putting a new and a much greater affront

‘ front upon ourselves. This we have done :
‘ His Majesty has told us we have done it. Is
‘ it possible that such a step can escape the cen-
‘ sure of Parliament ?

‘ This, my Lords, is the case now before us.
‘ We are not to judge of, or condemn the con-
‘ vention, before we know what it is. His Ma-
‘ jesty has in his speech told us what it is. He
‘ has told us that something is done, which
‘ ought not to be done. He has told us, that a
‘ point of the utmost consequence to our trade
‘ and navigation is referred to the regulation of
‘ commissaries, which, in its own nature, can
‘ admit of no regulation. This is what every
‘ unprejudiced man in the nation must condemn.
‘ It is what your Lordships have already con-
‘ demned by the resolutions you came to last
‘ session of Parliament ; and when from his Ma-
‘ jesty’s speech it appears, that something has
‘ been done, which you must, which you ought
‘ to condemn, as soon as you come to enquire
‘ into it, can you make use of any expressions
‘ in your address, which may look like an ap-
‘ probation of what has been done ? Can you
‘ mention such a measure without testifying your
‘ dislike ?

‘ I shall always, my Lords, be for shewing as
‘ much respect and esteem for his Majesty as we
‘ can express ; I shall even be for shewing, upon
‘ all occasions, as much complaisance as is con-
‘ sistent with the dignity of this house. When
‘ I do so, I speak from the sincerity of my
‘ heart ; but that very sincerity will always pre-
‘ vent my shewing such a complaisance as may
‘ mislead. When we approve, or but seem to
‘ approve, of measures which ought to be cen-
‘ sured, which almost every man without doors
‘ does censure, it is shewing no complaisance to
‘ our Sovereign : ’Tis behaving with insincerity,

‘ I may say with infidelity, towards him, for
 ‘ the sake of shewing a mean complaisance to
 ‘ his minister. This is a behaviour, which no
 ‘ precedent, no custom, can warrant. It is a
 ‘ behaviour, which every man must in his con-
 ‘ science condemn. But what is this custom,
 ‘ which is now pleaded for such a fawning, such
 ‘ a false sort of behaviour? Why, my Lords, it
 ‘ is not of much above twenty years standing. It
 ‘ is not much above that time since we first be-
 ‘ gan to echo back paragraph by paragraph, in
 ‘ our address, the King’s speech from the throne.
 ‘ It was a bad precedent at first, and therefore
 ‘ ought never to have been followed. But even
 ‘ this custom, bad as it is, neither ought, nor
 ‘ can be made a precedent upon the present oc-
 ‘ casion. Upon no former occasion can it be
 ‘ said, that even from the King’s speech, some-
 ‘ thing appeared to have been done, which
 ‘ ought not to have been done, and which this
 ‘ house could not but perceive, from what his
 ‘ Majesty told them of it in his speech, that
 ‘ they would be obliged to censure. This, my
 ‘ Lords, is the case at present: His Majesty in
 ‘ his speech has told us, that the searching of
 ‘ our ships upon the high seas is referred to be
 ‘ regulated by commissaries. Can your Lord-
 ‘ ships approve of this? Can you mention it
 ‘ without a censure? Therefore the greatest re-
 ‘ gard, the greatest complaisance you can, upon
 ‘ the present occasion, shew to his Majesty, nay
 ‘ the greatest complaisance you can in honour
 ‘ shew to his minister, is not to mention it at
 ‘ all. For which reason, I hope your Lordships
 ‘ will, at least upon this occasion, resume the
 ‘ antient method of addressing, and for that
 ‘ purpose agree to the amendment proposed.’

The

The Earl of *Cholmondeley* spoke next to this effect:

‘ My Lords,

‘ I was indeed very much prejudiced in favour of the address moved for by the noble Duke who spoke first, upon hearing it read by his Grace; but am now perfectly satisfied of its being a proper address for us to make on this occasion, having heard unanswerable arguments urged in support of it, and all the arguments on the other side having, in my weak judgment, been levelled rather against the convention than against the address. What this convention is, a very little time will shew; but since we can’t as a house yet know what it is, I think it very extraordinary that the noble Lord who spoke last should enter upon arguments that entirely relate to it, and are therefore quite foreign to the subject of this debate.

Earl of Cholmondeley's speech.

‘ The noble Lord hath entered on a debate, wherein the Lords, who are on the other side of the question, cannot be supposed prepar’d to answer his Lordship; however, as I think that so much of his speech, as can be supposed to have any relation to the present question, may very easily admit of an answer, I shall crave the indulgence your Lordships have always shewn me on such occasions. The noble Lord was pleased to say, that the first paragraph of the address moved for was sufficient for all the purposes of an address to his Majesty on this occasion, and that all the rest was incense to his ministers. My Lords, that noble Lord, as he knows the forms of this house extremely well, none better, must know that when a speech is delivered from the throne, it is always thought decent and dutiful to say

‘ some-

‘ something in our address of thanks to every
‘ paragraph, and every material sentence in the
‘ speech. This, my Lords, is thought a proper
‘ way of proceeding even in matters of common
‘ life; it has always been thought right in one
‘ person to take some notice of what has been
‘ communicated by another, tho’ perhaps his in-
‘ ferior, either in words or writing, and to let
‘ no part of his speech or letter pass without
‘ some answer. If this, my Lords, is requisite
‘ in private matters, it is much more so in af-
‘ fairs of state, wherein the good correspondence
‘ that subsists betwixt his Majesty and his Parlia-
‘ ment is the principal cause of our govern-
‘ ment’s making that figure both at home and
‘ abroad which I shall always desire it should,
‘ and which, I hope, it always will. The noble
‘ Lord who spoke last has, my Lords, given us
‘ a great many reasons why no alteration of this
‘ method ought to be made at present. His
‘ Lordship has described, in very feeling terms,
‘ the bad situation of our affairs both at home
‘ and abroad; And tho’ I can by no means a-
‘ gree with the noble Lord in all his sentiments,
‘ yet I think that the more desperate our affairs
‘ are, our proceedings ought to be expressive of
‘ the greater duty to his Majesty, and the greater
‘ unanimity amongst ourselves. This, my Lords,
‘ is the right, this the ready way to extricate
‘ ourselves out of all our difficulties; whether
‘ they proceed from the mismanagement of those
‘ in, or the practices of those out of power.
‘ This house, my Lords, ought to be of no
‘ party; if the publick counsels are embarrass’d,
‘ if the affairs of this nation are in disorder, we
‘ ought to unite our endeavours to retrace them;
‘ we ought to make that our first care; and then
‘ we shall have leisure enough to enquire by
‘ whose

‘ whose mismanagement, by whose treachery,
 ‘ those inconveniencies have happened.

‘ I shall readily admit, with the noble Lord,
 ‘ that *Spain* has never yet failed to improve
 ‘ every advantage she has obtained, to our pre-
 ‘ judice; but I am far from thinking that these
 ‘ advantages have been owing to the manage-
 ‘ ment of our present ministry. But, be that as
 ‘ it will; if upon this occasion we give the *Spani-*
 ‘ *ards* the least ground to suspect that there is
 ‘ not a perfect good understanding betwixt his
 ‘ Majesty and his Parliament, and amongst all
 ‘ the members of the Parliament, we give them
 ‘ the fairest opportunity they ever had of im-
 ‘ proving that misunderstanding to our preju-
 ‘ dice. Then, my Lords, and it cannot be till
 ‘ then, we may fall into that contempt, that
 ‘ disregard, among our neighbours, which the
 ‘ noble Lord has described. And here, my
 ‘ Lords, I must take notice that the most ob-
 ‘ vious and natural way, by which any of our
 ‘ neighbours can judge of the dispositions of
 ‘ this nation and government, is by what passes
 ‘ betwixt his Majesty and his Parliament; and
 ‘ nothing can give them greater encouragement
 ‘ than their observing that we have put such a
 ‘ mark of disrespect upon his Majesty, as to
 ‘ take no notice of the principal transaction that
 ‘ his ministers have negotiated since last session,
 ‘ and which his Majesty has declared he will or-
 ‘ der to be laid before you. With the *Spani-*
 ‘ *ards*, my Lords, it must have this bad effect;
 ‘ that they will immediately conclude, the Par-
 ‘ liament of *Great Britain* is resolved to con-
 ‘ demn this negotiation at all events. There-
 ‘ fore they will think themselves under no obli-
 ‘ gation to perform any of the stipulations on
 ‘ their part, since the whole must be ineffectual
 ‘ by its not meeting with the approbation of

' Parliament. This notion, my Lords, will give
 ' them greater encouragement than any incident
 ' that can happen; for if the convention is in-
 ' effectual, there is no reason that they should
 ' discontinue their depredations; there is no ob-
 ' ligation for them to fulfil their engagements.
 ' At the same time they have nothing to appre-
 ' hend from a state divided within itself, where
 ' the Parliament in a manner declares that they
 ' are resolved not to be satisfied with a measure
 ' which has been judged necessary by the Sove-
 ' reign and his administration, and declares this
 ' even before they know what the measure is.
 ' My Lords, give me leave to say, that our a-
 ' greeing to the amendment must necessarily
 ' have this effect; and, in that case, my Lords,
 ' I should not be at all surprized if this altera-
 ' tion in the conduct of *Spain* should be imputed
 ' to the ministry; I should not be surprized if,
 ' upon their continuance of their depredations,
 ' upon their seizing the ships and effects of all
 ' our merchants in their ports or on their seas, we
 ' should hear all attributed to the mismanagement
 ' of the ministry, when, in reality, it would be
 ' owing to nothing but to our own prejudices,
 ' which would not suffer us to look into a mea-
 ' sure that might have prevented all these con-
 ' sequences, and might have probably put the
 ' trade and interest of this nation on a sure and
 ' an honourable foundation.

' My Lords, if I should follow the noble
 ' Lord who spoke last through every argument
 ' he advanced, I should take a method which I
 ' have already blamed. I cannot however help
 ' observing, that if, as the noble Lord seemed
 ' to insinuate we ought to do, we make those
 ' without doors not only partners but judges of
 ' our counsels, we are then in a deplorable situ-
 ' ation indeed; we may then bid adieu to the

‘ dignity, to the influence of both houses of Par-
‘ liament. Not that I am for disregarding the
‘ sense of the people; far from it, I have as
‘ great a deference for their judgment as is con-
‘ sistent with their own interest, or as I, or any
‘ Lord, ought to have. But, my Lords, it
‘ should be always understood that the cases,
‘ wherein their judgment is to be consulted, be
‘ such as fall immediately under their eye.
‘ When private property is invaded by power,
‘ when their own rights and privileges are at-
‘ tacked and violated, and when any notorious
‘ breach is made in the constitution, the people
‘ from being parties have then a right to be-
‘ come judges, in case they are denied all re-
‘ dreds from their superiors and representatives.
‘ But will any Lord affirm, that the sense of the
‘ people, or rather a faction amongst the people,
‘ ought to influence, far less determine, us in
‘ our deliberations about affairs of which the
‘ people can have no right information, and
‘ which they can only see with the eyes of those
‘ whose interest it is to mislead them?

‘ My Lords, the right to make peace and war
‘ is indisputably in the crown: Even the Parlia-
‘ ment itself, tho’ it has indeed a right to ad-
‘ vise, has none to direct in such cases; and if
‘ ever there was a case in which the people could
‘ not receive right information, if ever there
‘ was a juncture in which they were incapable to
‘ receive it, it is the present, wherein the success
‘ of our counsels in a great measure depends on
‘ the secrecy with which they are formed, and
‘ wherein the minds of the people are de-
‘ bauched by the vilest insinuations that faction
‘ could suggest. No pains have been spar’d, no
‘ arts have been wanting to make them believe
‘ that they have been weakly and wickedly go-
‘ verned. Defamatory libels have been industri-
‘ ously,

ously, and I am afraid too successfully, propagated thro' all parts of the kingdom. Majesty itself has been attacked through the sides of the ministry; in short, no order however sacred, no degree however high, has been exempted from insult. Can a people, my Lords, whose hearts are thus debauched, whose judgments are thus perverted, decide with that impartiality, with that candour, which is requisite in judging of publick affairs? My Lords, if the ministry has been deficient in any point of their duty, it is in the indulgence they have shewn to that spirit of licentiousness and defamation that has gone abroad. But this indulgence proceeds from a tenderness for liberty; and this government has ever been cautious of suppressing licentiousness, either in speaking or writing, lest liberty itself should suffer.

The noble Lord was pleased to appeal to the young Lords lately come from their travels, when he mentioned the contempt which this court and nation are fallen into abroad. My Lords, if this fact is so notorious, as the noble Lord seemed to suppose, very probably it would be no secret to every Lord in this house; but I own it is so to me. For tho' I have had the honour of conversing with the Lords who have seen the other courts of *Europe*, and with men who have had great opportunities of knowing the situation of affairs abroad, yet I never heard them insinuate that we were so despicable in the eyes of foreign courts as the noble Lord has represented us to be. If, my Lords, we are to judge of the figure we make abroad from the effects which our counsels have lately had, I will be bold to say, that there is no period of time wherein the character of the nation in general has been better

‘ better sustained. But, my Lords, I shall for
‘ once admit that our court and nation do not
‘ act with that decisive weight which formerly
‘ attended our counsels and arms; yet I am far
‘ from admitting that this is a good argument
‘ why we ought to agree to the proposed a-
‘ mendment. If our credit and reputation run
‘ so low abroad, we have much stronger pre-
‘ sumptions to believe that this is owing rather
‘ to the arts of a discontented faction amongst
‘ ourselves, than to our government acting be-
‘ low its dignity. I shall suppose that a fo-
‘ reigner, my Lords, reads the performances of
‘ one of our weekly retailers of scandal and de-
‘ famation: He there sees the government re-
‘ presented in the most ridiculous colours; he
‘ sees our most publick-spirited measures bur-
‘ lesqued; he sees every man who has the ho-
‘ nour to be about his Majesty’s person, openly
‘ railed at and calumniated. What conclusions
‘ may not such a foreigner form? If he is igno-
‘ rant, as many foreigners are, of the vast li-
‘ berty which every subject in *Great Britain* en-
‘ joys in publishing his thoughts upon publick
‘ transactions, is it not natural for him to con-
‘ clude, that our government is so weak that it
‘ dares not resent such gross abuses? If he looks
‘ upon us as a people governed by laws, which
‘ circumscribe not only the power of the Sove-
‘ reign, but likewise bound the liberty of the
‘ subject, will he not naturally be surprized that
‘ the government should not take the advantage
‘ of these laws, and punish those who so noto-
‘ riously violate them? Thus, my Lords, the
‘ reasons why we are fallen into contempt a-
‘ broad, if such a fact were true, may be very
‘ easily accounted for, without throwing any slur
‘ upon our government or ministry.

‘ If,

‘ If, my Lords, the fact is otherwise, as I
‘ humbly presume it is; if we still act with dig-
‘ nity, if we still act with weight at foreign
‘ courts, the ministry have done more, by bear-
‘ ing up against so many disadvantages, than
‘ any set of men who, so far as my reading or
‘ experience reach, ever acted in publick cha-
‘ racters: And this, my Lords, will be sufficient
‘ in every impartial, in every unprejudiced eye,
‘ to acquit them of any imputation of their sa-
‘ crificing the honour of this nation, either from
‘ publick cowardice, or private interest. I have,
‘ my Lords. been the longer on this point, be-
‘ cause I know the opinion of our being pusilla-
‘ nimous and contemptible at foreign courts has
‘ been very industriously propagated, with the
‘ worst of views; and tho’ I dare say the noble
‘ Lord who spoke last touch’d upon it with the
‘ best intention in the world, yet ’tis very pro-
‘ bable that he may be misinformed himself,
‘ and I am glad of this opportunity to let his
‘ Lordship know, that the opinion of our being
‘ held in such contempt abroad, is not near so
‘ general as some would insinuate.

‘ The noble Lord, who spoke first for the a-
‘ mendment, threw out several things that seem-
‘ ed to serve as the foundation of what was ad-
‘ vanced by the noble Lord who spoke last.
‘ His Lordship said, that the match betwixt the
‘ *Spaniards* and us was by no means equal in the
‘ cabinet. My Lords, I believe it will be very
‘ hard for the noble Lord, from what appears
‘ upon the face of his Majesty’s speech, to
‘ prove that a people who disown their unjust
‘ proceedings, who have engaged to pay dama-
‘ ges, who have agreed to remove all occasion
‘ of the like complaints for the future, have
‘ outwitted those with whom they treated; it
‘ will be a very difficult matter, my Lords, to
‘ prove

‘ prove that these stipulations are any marks of
‘ victory and triumph. The noble Lord who
‘ spoke last, however, reasoning from such un-
‘ likely supposition, said, that this convention,
‘ shameful as it is (tho’, by the bye, his Lord-
‘ ship was not pleased to give any one positive
‘ reason why he thought it shameful) was but
‘ the prelude to more scandalous terms. My
‘ Lords, there is no doubt that one nation, who
‘ has differences with another, will do all she
‘ can to have these differences accommodated in
‘ the manner that is most advantageous to her-
‘ self; and if she finds herself superior in force
‘ to the contending nation, she will impose
‘ terms upon her not strictly agreeable to jus-
‘ tice: Nay, in such a case, if, after the conclu-
‘ sion of even an equitable treaty, she shall find
‘ that it is her interest to break thro’ her stipula-
‘ tions, it is very possible she will have very lit-
‘ tle regard to the ties of equity and honour.
‘ But can any Lord say that either of these is,
‘ or absolutely will be, the case betwixt *Great*
‘ *Britain* and *Spain*? No Lord, who does not
‘ know what the convention is, can say that it is
‘ advantageous to *Spain*; therefore he cannot re-
‘ gularly object to it, till it is communicated to
‘ the house. No Lord, I am sure, will contend
‘ that *Spain* is so far superior to us in force, as
‘ to be in a condition to impose upon us her
‘ own terms; and if any circumstance, any ac-
‘ cident, shall hereafter happen that shall put it
‘ in her power to violate her faith with impu-
‘ nity, give me leave to say, my Lords, that it
‘ is not quite a fair way of reasoning to impute
‘ that to the *English* ministry: For the same ar-
‘ gument may serve equally against all treating
‘ whatsoever, since it is impossible to foresee
‘ contingencies. I would willingly put it to
‘ any of your Lordships, whether, if the *French*
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' should avowedly, and without so much as a
 ' colour of justice, break any or all the stipula-
 ' tions contained in treaties betwixt us and them,
 ' it would be just in this house to blame and to
 ' reproach the ministry who made these trea-
 ' ties? Ministers, my Lords, are only account-
 ' able for the prudence and expediency of their
 ' own measures, and not for circumstances aris-
 ' ing posterior to these measures, nor the faith-
 ' less conduct of other people. Upon the whole,
 ' therefore, I do not see upon what grounds the
 ' noble Lord can foretel that this convention is
 ' a prelude to more scandalous concessions, un-
 ' less his Lordship supposes that the *Spaniards*
 ' have entered into engagements, which, tho'
 ' they publickly ratify, they secretly purpose to
 ' break. But, my Lords, if this convention shall
 ' appear to be a good one, as we have all the
 ' reason in the world to believe it is, give me
 ' leave to say, that our ministers are not answer-
 ' able for any secret resolution which the *Spani-*
 ' *ards* may have made to break it, or any un-
 ' foreseen contingency that may hereafter encou-
 ' rage them to evade it.

' What I have said on this head will, my
 ' Lords, I hope, obviate what fell from the no-
 ' ble Lord who spoke last, when he represented
 ' the *English* as in the last agonies of their li-
 ' berty. I own, my Lords, that expression pre-
 ' sented to my imagination the most disagree-
 ' able idea that can possibly occur to any man
 ' who feels the least affection for his country.
 ' But my comfort is that the liberties of *England*
 ' are safe, while we ourselves have courage and
 ' honesty enough to unite in their defence. The
 ' liberties of *England*, my Lords, can only be
 ' lost by the treachery of a faction within our-
 ' selves, who are resolved rather to give them
 ' up than to forego the darling schemes hatched
 ' by

‘ by their ambition and nursed by revenge.
‘ And, my Lords, as the noble Lord said very
‘ justly, that no Lord who wished well to his
‘ country could be an unconcerned spectator
‘ while it is endanger’d by a foreign power, I
‘ dare say, no such Lord will look tamely on
‘ while its liberties are sacrificed to a domestick
‘ faction. The only means of securing them a-
‘ gainst both the one and the other, is, by fol-
‘ lowing his Majesty’s advice, which you have
‘ just now heard from the throne, in avoiding all
‘ party heats and animosities. This is the way to
‘ prevent all the fatal consequences that have
‘ been suggested by the noble Lord, and to de-
‘ prive the enemies of this nation of the only
‘ means they can employ to our hurt. But, my
‘ Lords, what an unhappy omen would it be
‘ of our divisions, if, upon the very first day
‘ of our session, we should, without paying the
‘ least deference to the Royal Advice, and be-
‘ fore we look’d into the measures which the
‘ wisdom of his Majesty and his ministry has
‘ thought proper to pursue for the intetest of
‘ this kingdom, I say, if we should refuse even
‘ to thank his Majesty for his endeavours to pro-
‘ cure justice and reparation to the nation!

‘ My Lords, the noble Duke who spoke on
‘ the same side I now rise up for, so fully point-
‘ ed out the expediency and fitness of this ad-
‘ dress at this juncture, that I have very little to
‘ add to what was said by his Grace. I shall
‘ only beg leave, as a further inducement to
‘ your Lordships for agreeing to the address
‘ without the amendment, to observe, that the
‘ most ready means of disappointing the *Spani-*
‘ *ards*, in case they vainly entertain any hopes of
‘ being able to impose dishonourable terms upon
‘ this nation, is by our acting unanimously, since
‘ their hopes can be founded only on our divisi-

ons. My Lords, I don't only mean *unanimously* in a parliamentary sense, but *unanimously* in a national one; that is, we ought, as subjects as well as members, to act in concert with his Majesty and his ministry; for if our common enemies shall find that there is a misunderstanding betwixt the legislature, or any part of the legislature, and the crown, they can make greater advantages of such a division than of any other. Nay, my Lords, give me leave to say, that the dispositions with which we enter upon this affair, when it shall be laid before us, ought to be such as may incline us to support his Majesty's measures, even tho' they should not appear, to some of us, to answer all the ends which the most vigorous and sanguine may have proposed to themselves.

I know, my Lords, it is given out by some, that we ought not only to have it stipulated that the losses of our merchants shall be repaired, but that the *Spanish* monarch shall pay for the expences we have been at in our armaments upon this occasion. My Lords, such an insinuation can be made only by those who are so much the enemies of peace, that they will make use of the vilest, the most unreasonable suggestions to obstruct it. One nation's paying for the expences another has been at in her armaments to obtain justice, is a thing that is very seldom either insisted on or obtained. There are indeed some very few instances wherein an enraged conqueror, whose enemy is at his mercy, has obliged that enemy to refund some small part of the expences he has been at; but I can defy any man to shew me an instance wherein one nation has obtained not only all the ends of her arming, without striking a blow, but has procured likewise a reimbursement of the expences she has been at.

‘ In such an event, my Lords, it is always understood that the giving up the points in dispute is satisfaction enough. In the present case we put the crown of *Spain* to at least as much charges as we were at, I am credibly informed to double. As soon as an account arrived there that our Squadron was fitted out, she gave orders for fortifying all her coast towns, for fitting out all the ships in her ports, and increasing considerably her forces both by sea and land. This, my Lords, ought to be satisfaction enough to us for the expence of our armament, and had we insisted on having any other satisfaction, we must have given her and all *Europe* to understand that we were resolved to be satisfied with nothing less than a war. There are several noble Lords here, I believe, who may remember the conclusion of the treaty of *Utrecht*. I would gladly appeal to their Lordships, whether we then insisted upon *France’s* paying to us upwards of fifty millions for the expences we had been at in the war then ended. And yet, my Lords, that war was just and necessary. It was undertaken to preserve all that was valuable and dear to us, both as men and *Englishmen*, and it was conducted with as much glory to this nation as any war ever was to any nation. I should be glad to know of the same noble Lords, whether the *Dutch* insisted on any such reparation, tho’ their motives of entering into that war were as just as ours; and they were perhaps less able to be at the expences of that war than *England* was. So that, my Lords, I say, the suggestion of our being refunded all our late expences by *Spain*, is only in order to make a war with that crown inevitable, and is calculated only to serve the private views of an interested party among ourselves.

‘ I shall now take the liberty to observe to
 ‘ your Lordships, that the noble Lord, who
 ‘ spoke last, seem’d to lay a particular emphasis
 ‘ upon the resentment which his Lordship sup-
 ‘ posed that the minister of *France* would shew,
 ‘ if any power in *Europe* should talk of a right
 ‘ to search *French* ships on the open seas. His
 ‘ Lordship’s expression was remarkable; he said
 ‘ that minister would not permit any embassa-
 ‘ dor, who durst talk at that rate, to enter his
 ‘ tenth anti-chamber of state. My Lords, I
 ‘ have a very great opinion of the *French*
 ‘ minister’s wisdom; I am likewise sensible
 ‘ of the vast power and interest of his Sove-
 ‘ reign: But give me leave to inform your
 ‘ Lordships, that this powerful monarch, that
 ‘ this wise minister, have suffered *French* vessels
 ‘ to be seized and confiscated by the crown and
 ‘ subjects of *Spain*, and yet have never thought
 ‘ fit to reclaim them. Nay, my Lords, to my
 ‘ certain knowledge, *French* vessels have been
 ‘ taken by the *Spaniards* with more aggravating
 ‘ circumstances, and with less colour of justice,
 ‘ than what have happen’d to any *English* vessel.
 ‘ That minister, my Lords, rightly considered,
 ‘ that to have gone to war upon representations
 ‘ from one side only, would have been both
 ‘ impolitick and unjust. He considered, that it
 ‘ is the intention of all the treaties which regu-
 ‘ late the *American* trade, that the *Spanish* pro-
 ‘ perty in the *West-Indies* ought to be sacred,
 ‘ inviolate by any other power. And that to
 ‘ have reclaimed one ship, though perhaps un-
 ‘ justly condemned, might have brought on an
 ‘ enquiry into the abuses committed by other
 ‘ *French* traders in *America*, and so in the end
 ‘ have occasion’d a breach betwixt the two
 ‘ crowns. And here, my Lords, I cannot but
 ‘ observe the excellency of our constitution,
 ‘ and

‘ and the tenderneſs of our government for the
‘ rights of the ſubject. In other countries, my
‘ Lords, the property of the ſubject is often ſa-
‘ crificed to the politicks of the government;
‘ but in this kingdom the government is obliged
‘ to be the guardian of that property, and no
‘ ſubject, however mean his property is, can
‘ have it taken from him by any miniſtry, or
‘ by any power. This excellency in our con-
‘ ſtitution has, my Lords, been of ſingular uſe
‘ to our merchants upon this occaſion, and they
‘ have enjoyed the benefit of it to its full ex-
‘ tent. I hope, my Lords, no bad uſe has been
‘ made of this indulgence; I hope our mer-
‘ chants have not been made the tools of a fac-
‘ tion amongſt ourſelves, nor have aggravated
‘ their loſſes in order to raiſe a clamour againſt
‘ the government, which has been ſo very fa-
‘ vourable, ſo very indulgent to all their claims.
‘ I hope farther, my Lords, and I preſume my
‘ hopes are well founded, that every Lord here
‘ who ſpeaks in this debate is as well acquainted
‘ with the nature of the grievances complained
‘ of by *Spain*, as he is of thoſe which our mer-
‘ chants complain of. If we are not, my Lords,
‘ if we hear all only on one ſide of the queſ-
‘ tion, if we are ſo partial to ourſelves as to be
‘ willing to hear nothing on the other, I don’t
‘ ſee how we can ever form a right judgment,
‘ even after the convention is regularly communi-
‘ cated to this houſe. At preſent, my Lords,
‘ we are under very great uncertainty; for we
‘ are not only ignorant with regard to the terms
‘ of the convention, but we are ignorant of the
‘ previous ſteps that were taken to bring it about,
‘ and of the difficulties that the miniſtry had to
‘ ſurmout before it could be concluded. I am
‘ ignorant of them myſelf, my Lords, but per-
‘ haps when the houſe ſhall be informed of them,

‘ as they will probably be in the course of the debate that may arise when the convention is laid before us, Lords may change their sentiments about this measure, however they are now prejudiced against it. For these reasons, my Lords, I think it is extremely improper for us to agree to any amendment of the address proposed by the noble Duke who spoke first, and that, if we should agree to the amendment proposed by the noble Lord, we must do it for reasons which, however they may affect some Lords, can never be evident, can never be satisfactory to us as a part of the legislature.’

The next speech we shall give, is that of the Lord *Carteret*’s, the purport of which was thus.

‘ My Lords,

Lord *Carteret*’s speech,

‘ I hope, from the whole tenour of my conduct, both without doors and within, it has appeared, that no man has a greater affection for his Sovereign, or is more sensible of his duty towards him, than I am; but this is to be testified, and I shall always endeavour to shew it, by telling him the truth. By what is said in an address, upon any such occasion as the present, we are not, ’tis true, precluded from giving our sentiments freely, or even from censuring afterwards, what we may seem to have approved of in our address; but this is not enough. In all such addresses, we ought either to make general professions only of our affection and duty, or, if we descend to particulars, we ought to have a twofold view. By descending into particulars upon such occasions, we ought to have a view of shewing to his Majesty the sense of his people, and to the people the sense of this house. Therefore, we ought never to say any thing that
‘ may

‘ may tend to make his Majesty believe, that
‘ his people are satisfied, when every Lord in
‘ this house knows the contrary to be true ; nor
‘ ought we to say any thing, that may make
‘ the people mistake the sentiments of this
‘ house.

‘ The whole nation, my Lords, have now
‘ their eyes fixed upon the Parliament ; they have
‘ been greatly injured, they have loudly com-
‘ plained ; and it is from the Parliament only
‘ they expect relief. Shall we, my Lords, by
‘ our address upon this occasion, make his Ma-
‘ jesty believe, that his people are satisfied with
‘ what has been done ? Shall we make the peo-
‘ ple believe, that we are satisfied ? The very
‘ thought would throw such a damp upon their
‘ spirits, as would make them despair of any
‘ legal relief ; and what might be the fatal con-
‘ sequences of such a despair, God only can
‘ tell ; for fatal they must be, let it take what
‘ turn it will. If they sit down tamely, and
‘ only groan under the weight of sorrow they
‘ feel, we have broke, we have undone the spi-
‘ rit of our people ; we have made them fit for
‘ slavery and arbitrary power. But this, I hope,
‘ will not be the consequence ; the people of
‘ *England* will suffer, they have suffered a great
‘ deal ; but they will not suffer too much. If
‘ care be not taken in time, if some seasonable
‘ relief be not speedily administred, our domi-
‘ nions will be dismembered. They will be dis-
‘ membered ; but they can be dismembered by
‘ the sword only ; for if those who govern us,
‘ do not make use of the sword for their de-
‘ fence, the people will turn it against them :
‘ So that by avoiding, wisely, as some amongst
‘ us may think, a foreign war, we may involve
‘ ourselves in the worst of all wars, a civil one ;
‘ and by being too much afraid of invasions,
‘ we

‘ we may expose ourselves to what is much
 ‘ worse, a general insurrection.

‘ We have of late years, my Lords, suffered
 ‘ many indignities; we have long suffered. Our
 ‘ people, from a consciousness of their own
 ‘ strength, as well as from the resolutions of
 ‘ both houses, last session of Parliament, ex-
 ‘ pected that before this time, full reparation,
 ‘ and absolute security would have been pro-
 ‘ cured by peaceable means, or that a proper use
 ‘ would have been made of the aids so chearfully
 ‘ granted last session, for procuring it by force
 ‘ of arms. And now what have we got? a
 ‘ treaty, a convention, by which, we may see,
 ‘ from what his Majesty has told us of it, that
 ‘ we have got no security, and, I am afraid, lit-
 ‘ tle or no reparation. As for the reparation we
 ‘ have obtained, if any, I shall say nothing of
 ‘ it, till I can see, from the treaty itself, what
 ‘ it is; but as for our future security, every man
 ‘ may see, from what his Majesty has told us,
 ‘ that it will be rendered more precarious, than
 ‘ ever it was heretofore.

‘ While our ships, my Lords, continue to be
 ‘ searched, while any nation in the world dares
 ‘ pretend to search a *British* ship upon the open
 ‘ seas, we can have no security, we can have no
 ‘ free trade, nor any safe navigation. No search,
 ‘ my Lords, is the word with every man in the
 ‘ kingdom. It ought to have begun among
 ‘ those about the throne; but wherever it be-
 ‘ gan, it is now echoed and re-echoed from
 ‘ every corner of the *British* dominions; and
 ‘ shall we seem to insinuate to his Majesty, that
 ‘ he may be satisfied; shall we seem to intimate
 ‘ to the people, that they ought to be satisfied,
 ‘ with referring such a point as this to be regu-
 ‘ lated by plenipotentiaries, or ministers of any
 ‘ denomination? My Lords, it ought to have
 ‘ been

‘ been insisted on as a preliminary even to treating. We ought not to have so much as begun to treat, till this of No search had been granted to us. In all negotiations there are some points, that ought to be settled before any equal treaty can be set on foot. The *Dutch*, even in the infancy of their state, would not so much as begin to treat of a short truce with *Spain*, till the *Spaniards* agreed to treat with them as a free nation; and at the treaty of *Munster*, after a war of near seventy years continuance, with very little interruption, they would not so much as begin to treat, till *Spain* agreed to declare them a free commonwealth. Can we pretend to be a free nation, as long as *Spain* claims a right to search our ships upon the high seas? Will any of our ministers dare to negotiate with them about such a right? Will any minister or plenipotentiary presume to grant it, under any regulation whatsoever?

‘ Such a right, my Lords, had never been claimed, if we had, at the beginning, understood what we were about. It is a difficulty we have puzzled ourselves into, by not understanding the difference between searching and visiting, nor between contraband and prohibited goods. If we had understood this, and had at first properly explained what we were entitled to by the laws of nations, and the treaties subsisting between the two crowns, *Spain* would never have pretended to search our ships, upon the open seas, in any part of the world. Contraband goods, properly speaking, are only those goods which are used, or useful in war; and, as every nation that is at war with any of her neighbours, pretends to a right, not to allow such goods to be carried to an enemy’s port, therefore every nation pre-

‘ tends

‘ tends to a right to visit such ships as she
 ‘ meets with at sea, in order to see whether
 ‘ they are bound to an enemy’s port, and have
 ‘ any such goods on board. Prohibited goods,
 ‘ again, are those which, by the laws of any par-
 ‘ ticular country, are forbid to be imported or
 ‘ exported; and, every nation pretends to a
 ‘ right to search those ships that come into her
 ‘ ports, in order to see that they have no goods
 ‘ on board which are forbid to be imported, and
 ‘ likewise to search those ships that are going
 ‘ out, in order to see that they have no goods
 ‘ on board, which are forbid to be exported.

‘ This, my Lords, is the difference between
 ‘ contraband and prohibited goods, when the
 ‘ two terms are properly and distinctly used;
 ‘ and, the difference between searching and vi-
 ‘ siting is thus: Searching is always in port, and
 ‘ never on the high seas; visiting is always on
 ‘ the high seas, and never in port. When a
 ‘ ship in port is searched, the search must be
 ‘ made by the proper officer, and in a legal
 ‘ manner: When a ship in the high seas is visit-
 ‘ ed, she ought to be visited according to the
 ‘ method usually prescribed by treaty, which is
 ‘ thus: When a man of war of one country
 ‘ meets in the high seas a merchant-ship of an-
 ‘ other country, the man of war is not to ap-
 ‘ proach the merchant-ship nearer than cannon
 ‘ shot, but may send out his boat with an officer
 ‘ and two or three men only, to whom the mas-
 ‘ ter of the merchant-ship is to shew his bills of
 ‘ lading, and to these bills of lading the man of
 ‘ war is to give entire credit: Even when it ap-
 ‘ pears by the bills of lading, that she is bound
 ‘ to an enemy’s port, and has contraband goods
 ‘ on board, such goods only are to be seized
 ‘ and confiscated. From hence it must appear,
 ‘ that no nation in the world can have a pre-
 ‘ tence

‘ tence for searching the ship of another upon
‘ the high seas; and much less for condemning
‘ and confiscating the ship and whole cargo,
‘ on account of her having contraband or pro-
‘ hibited goods on board; and therefore it was
‘ ridiculous ever to allow the word contraband,
‘ or the word prohibited, to enter into the dis-
‘ pute between *Spain* and us.

‘ *Spain*, my Lords, may forbid the importa-
‘ tion of any sort of goods she pleases into her
‘ own dominions, or she may forbid the expor-
‘ tation of any goods she pleases out of her
‘ own dominions; and such goods may be cal-
‘ led, and may be seized as prohibited goods,
‘ when found aboard any ship in her own ports.
‘ But *Spain* can forbid the importation or ex-
‘ portation of no sort of goods into or out of
‘ any part of the *British* dominions; nor can she
‘ forbid the transportation of any sort of goods
‘ from one part of the *British* dominions to an-
‘ other. On board a *British* ship bound from
‘ one part of the *British* dominions to another,
‘ there can be no goods that *Spain* can call ei-
‘ ther prohibited or contraband. We can ne-
‘ ver admit of any such thing: If we do, we
‘ can carry on no trade in *America*. No *British*
‘ ship can trade there, but what must have on
‘ board some such goods as the *Spaniards* call
‘ contraband or prohibited. *Spanish* pistoles and
‘ pieces of eight are the current coin of all our
‘ plantations; a coin which is often brought
‘ there, even by the *Spaniards* themselves: Co-
‘ coa is the production of *Jamaica* as well as
‘ *New Spain*; and logwood grows both in *Ja-*
‘ *maica* and *Providence*; so that tho’ we should
‘ give up our right to the bay of *Campeachy*,
‘ which, I hope, notwithstanding our present
‘ submissive temper, we shall not do; yet we
‘ cannot allow the *Spaniards* to seize our ships,
‘ on

‘ on account of their having such wood on board.

‘ But suppose, my Lords, we were to allow of what they call prohibited goods. Suppose we were to allow, that none of our ships sailing in the *American* seas ought to have such goods on board; yet, surely, we are not to allow them, upon this account, to search our ships on the high seas, and to confiscate ship and cargo, and imprison and maltreat the seamen, when they find such goods on board. The most they could; even in this case, pretend to, would be to visit our ships in the manner settled between us by treaties, and to seize only those contraband goods they find on board, without detaining the ship, or touching any other part of the cargo. Therefore, even in this case, which is the hardest that can be put, No search on the high seas ought to be the word: No search but in port is the point which ought to have been insisted on, as a preliminary to our treating with them at any rate. For this reason, I am surprized how any minister could think of referring this point to be regulated by plenipotentiaries. The very reference is an injury to this nation, almost irreparable: It is a tacit acknowledgment of the right the *Spaniards* lay claim to, when put under proper regulations; but, I hope, no *British* plenipotentiary will ever dare to settle; or consent to such regulations: If any one does, I am sure, both he and the minister that gave him the power, will deserve the curses of their country, and the highest indignation of this house.

‘ No search on the high seas is therefore, my Lords, what we must insist on. It is what all *Europe* will insist on. If we should be bullied into the giving up of such a point, or submit-

ing

‘ ing to have our ships searched on the high
‘ seas, under any regulations, I am sure *France*
‘ never will. The cardinal, as old as he is,
‘ would disdain to hear of treating upon such
‘ a subject. He would not admit, even into
‘ his anti-chamber, a minister that had come
‘ from *Spain* with such a haughty, such a ridi-
‘ culous proposition. Monsf. *de la Quadra* could
‘ never have thought of it, if he had not been
‘ led into it by the ignorance, or the pusillani-
‘ mity, he found in those he treated with. I
‘ remember him a gentleman of very little con-
‘ sideration; but now, he takes upon him to
‘ say, that the *English* ought to learn to under-
‘ stand their own rights and privileges. Per-
‘ haps he had reason to say so of those he treat-
‘ ed with. He could, at that time, mean none
‘ else; but, if the Parliament should approve
‘ of this convention, or if we should agree to
‘ the address now proposed, he may justly say
‘ so of the whole nation.

‘ I shall readily agree, my Lords, that the
‘ present conjuncture is none of the most fa-
‘ vourable for this nation. The state of affairs
‘ in *Europe* is, indeed, formidable. It is grow-
‘ ing every year more and more so. Last year
‘ it was more formidable than the preceding,
‘ and this year it is more formidable than it was
‘ the last. What will at last become of us, I
‘ shall not pretend to determine; but, I may
‘ pretend to prophesy, that our affairs both at
‘ home and abroad, will next year be more for-
‘ midable than they are the present; unless
‘ some wise and vigorous measures be taken for
‘ dispelling the cloud that hangs over us; and,
‘ I have very little hopes, that those who have
‘ been the chief cause of its gathering, will
‘ have either wisdom to dispel it, or fortitude
‘ to withstand its breaking upon us.

‘ People

‘ People may wrangle and talk long enough
 ‘ about our past measures. All publick mea-
 ‘ sures are of such a nature, that a great many
 ‘ things may be said against the best, and a
 ‘ great many plausible arguments may be made
 ‘ use of in favour of the worst. But, my Lords,
 ‘ the wisdom of publick measures is best known
 ‘ by their effects. The effects of some of our
 ‘ past measures begin now to appear, and those
 ‘ effects have such a dismal aspect, that I must
 ‘ thank God I had no hand in their causes. I
 ‘ must thank God that my testimony against
 ‘ some of them appears upon record, and will
 ‘ be a vindication of my conduct to distant ge-
 ‘ nerations, to those yet unborn, who, I am
 ‘ afraid, will feel the effects of some of our late
 ‘ measures more sensibly than we do. A rich
 ‘ and powerful nation cannot at once be de-
 ‘ stroyed by any internal cause: Its strength can-
 ‘ not be at once annihilated, and its riches dis-
 ‘ sipated, by the worst measures it can pursue;
 ‘ but its strength and its riches may be wasted
 ‘ by degrees; and its destruction will be the
 ‘ more cruel and tormenting, by being brought
 ‘ on by piece-meal. This, I am afraid, is our
 ‘ case, and it is some alleviation of my grief,
 ‘ that I cannot be charged with having had a
 ‘ hand in it; but if I could, if I had approved
 ‘ of all our past measures, I should now from
 ‘ their effects begin to suspect I had been mis-
 ‘ taken; and should be extremely shy of ap-
 ‘ proving the future measures of those, whose
 ‘ past measures appeared by their effects to be
 ‘ wrong.

‘ ’Tis true, my Lords, our past measures
 ‘ have, for many years, met with a continued
 ‘ and uninterrupted approbation from a ma-
 ‘ jority in each house of Parliament; but the ap-
 ‘ probation of Parliament cannot make that
 ‘ right,

‘ right, which is in itself wrong; and the unfortunate state we are now confessed to be in, is an irrefragable proof, that all our past measures have not been right. The approbation of Parliament is therefore so far from adding to the opinion people have of our past measures, that it derogates from the opinion our people ought to have of the penetration and integrity of Parliament; and this must aggravate, instead of diminish, our present misfortunes; for if our people think they can put no trust, neither in the counsels of those that govern them, nor in the wisdom and integrity of Parliament, they can make but a faint resistance against any foreign power that shall please to attack them.

‘ The present state of affairs in *Europe*, my Lords, does not proceed from the nature of things, but from the late measures pursued by *France* and us. *Spain* had dominions in *Italy* of old, larger than she has at present; and the Emperor would then have been glad to have had a share of them: Yet there was a constant friendship and alliance kept up between them for many years against *France*. It is the business of *France* to sow dissension between these two powers: It is our business to heal their breaches. In this the *French* have either outwitted, or frightened us. It was they that terrified us from accepting of the sole mediation between *Spain* and the Emperor, at the treaty of *Cambray*: Our accepting of that mediation could not have involved us in any war: If it had, the war would, in all human probability, have ended greatly to the honour and advantage of this nation. It was the *French*, I am apt to believe, that forged those dreadful secret articles, said to have been agreed on between *Spain* and the Emperor, by

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‘ the treaty of *Vienna*. By that forgery they
‘ terrified us into that most extraordinary treaty
‘ at *Hanover*, and the still more extraordinary
‘ measures we took in consequence of that treaty.
‘ The *Ostend East-India* company, my Lords,
‘ was a company we had no direct right to de-
‘ stroy. The *Dutch* had perhaps a right to op-
‘ pose the setting up of that company; and if
‘ we had then had a mind to pick a quarrel with
‘ the Emperor, we might have said we were
‘ guarantees of that right; but all nations find
‘ pretences for not fulfilling the most express
‘ guarantees, when their own immediate interest
‘ does not enforce a performance. We have
‘ since found pretences for not fulfilling a gua-
‘ rantee, much more express than the *Dutch*
‘ could in that case pretend to; and even when
‘ our own interest seemed to enforce a perfor-
‘ mance. Besides, the *East-India* company set
‘ up at *Ostend*, would have interfered a great
‘ deal more, both with the *French* and the *Dutch*
‘ *East-India* companies, than with that of *Eng-*
‘ *land*; therefore it was their business more than
‘ ours, to have it destroyed; and yet the *Dutch*
‘ were so far from being principals in the trea-
‘ ty of *Hanover*, that they did not come into
‘ that treaty till long after, and under great re-
‘ strictions. If the *Ostend* company had been
‘ the only reason for finding fault with the trea-
‘ ty of *Vienna*, it was the *Dutch* and the *French*,
‘ not we, that should have raised armies, and
‘ sent out squadrons for compelling the Emperor
‘ to give up that company, or for preventing
‘ the *Spaniards* from giving it any relief; but so
‘ far otherwise, that we took the whole expence,
‘ and the whole resentment, upon ourselves;
‘ and by that means put a new stop to our trade
‘ with *Spain*, and greatly interrupted our trade
‘ both in *America* and the *Mediterranean*, while
‘ both

‘ both the *Dutch* and the *French* carried on
‘ their trade in all parts of the world without
‘ interruption, and with great security.

‘ By this management, my Lords, we at last
‘ found we had run ourselves into a trap, and to
‘ get out of that trap, we run ourselves into another, by the treaty of *Seville*. Then to get out
‘ of this second trap, we run ourselves into a third,
‘ by the treaty of *Vienna*, in the year 1731; for
‘ even there, I must think, that we ought to have
‘ had several things settled with the Emperor, before we had engaged in such an absolute guarantee of the pragmatick sanction; and how we got
‘ out of this third trap, I need not mention to
‘ your Lordships; but I am afraid, that by our
‘ method of getting out of it, we have brought
‘ ourselves into a fourth, worse than any of the
‘ former.

‘ By these measures, and such like, my Lords,
‘ it would seem as if we had endeavoured to unite
‘ *France* and *Spain*, and to detach from ourselves
‘ every ally we could depend on. If *France* and
‘ *Spain* therefore be united against us, it is we that
‘ have done it: If they are not, we have nothing
‘ to fear from *Spain*, though we had not one ally
‘ to depend on; and if we have our antient alliance to depend on, I think, we have nothing to
‘ fear from both; notwithstanding the great pains
‘ that has been taken, to represent to us the unfortunate situation of the Emperor and the *Dutch*.
‘ The Emperor, ’tis true, would probably have
‘ been in a much better situation, if we had joined
‘ in the treaty with *Spain* and him, in the year
‘ 1725, instead of forming the alliance of *Hanover*
‘ against him; but in spite of all the misfortunes,
‘ which our conduct, and the fate of war have
‘ brought upon him, he is still able to bring great
‘ armies of good troops into the field; and, therefore, if he is not ready to assist us, it is not for

‘ his want of power, but his want of inclination,
 ‘ which, for a reason every one knows, may not
 ‘ be so good towards us as it was heretofore. And
 ‘ as for the *Dutch*, they are, ’tis true, wise enough
 ‘ not to keep up in time of peace any greater naval
 ‘ force, nor any greater land army, than they have
 ‘ occasion for; but in case of a war, they could
 ‘ soon furnish themselves with both, and could
 ‘ raise great sums of money for that purpose, not-
 ‘ withstanding the debt they at present owe, and
 ‘ the taxes their people now pay. But as the
 ‘ whole system of affairs in *Europe* has been very
 ‘ much altered of late years, and as the *Dutch* lie
 ‘ more exposed than this kingdom to invasions
 ‘ from their neighbours, we cannot expect that
 ‘ they will join with us in any war, unless we can
 ‘ procure such an alliance among the powers upon
 ‘ the continent, as will be sufficient for supporting
 ‘ them against any power that shall attempt to in-
 ‘ vade them; and I am much afraid, that those
 ‘ amongst ourselves, who, by their late conduct,
 ‘ have contributed so much to the present formi-
 ‘ dable state of affairs in *Europe*, will never be able
 ‘ to procure such an alliance.

‘ But I find, that not only the inability of our
 ‘ antient allies, but the present formidable power of
 ‘ *France*, must be brought as an argument for our
 ‘ tamely submitting to the most heinous indignities.
 ‘ I shall readily grant, my Lords, that for almost
 ‘ these twenty years, *France* has been making a
 ‘ very good use of our blunders. I shall grant,
 ‘ that by so doing they have greatly increased their
 ‘ trade, and of late increased their dominions. But
 ‘ can we think that *France* would support *Spain* in
 ‘ a claim against us, which would be a bad prece-
 ‘ dent for themselves? Will *France* ever submit to
 ‘ have their merchant-ships searched on the open
 ‘ seas by *Spain*, or any other power whatever?
 ‘ Will *France* ever allow *Spain* to prescribe to them,

‘ what sort of goods their merchant-ships shall carry from one part of their own dominions to another? No, my Lords, they will never so much as treat of any such claim: They will never be so weak as to refer such a claim to be regulated by plenipotentiaries; and they know that, if they should assist *Spain* in establishing such a claim against us, it would soon be made a precedent for setting up the same claim against them. But suppose *France* should join with *Spain* in a war against us, if we are united amongst ourselves, and governed by a wise and vigorous administration, we have nothing to fear from both. They can attack us no way but by sea; and upon that element we are superior to both. Our trade has been carried on, and has flourished in time of war: It has flourished more in time of war, than it has lately done in what some amongst us have called a time of peace. We have a navy to convoy and protect our merchant-men; and by a proper disposition of our naval force, we might make it dangerous for any foreign privateer to set her nose to the sea: From hence we may reasonably suppose, that few or no privateers would any where appear against us; for as privateers are generally fitted out by private men for the sake of plunder, none such will be fitted out, when there is great danger, and little to be got; therefore, if the seas should swarm with privateers, it would be with privateers under *British* colours, which would oblige our enemies to give over all manner of trade; for if they should carry on their trade by single ships, they could not protect themselves against our privateers; and if they carried it on by fleets and convoys, they could not protect themselves against our squadrons of men of war. This would put an entire stop to their trade, which would of course be a great encouragement to the trade of this kingdom;

‘ and as neither *France* nor *Spain* could long support themselves without any trade, this alone would soon oblige them to submit to just and equal terms.

‘ Our situation therefore, my Lords, with regard to foreign affairs, is not so terrible as it has been represented. It is, indeed, formidable; but it has become so, not by a vigorous, but a pusillanimous conduct. And as to our domestick affairs, I shall most readily admit, that they are not in so happy a situation as they might have been. A great part of our debts might have been paid off, and most of our grievous taxes abolished, if for these twenty years past we had kept up no useless armies, nor fitted out any useless squadrons. It is this that makes our people uneasy, it is this that foment divisions among us. To be insulted and plundered by impotent neighbours abroad, and at the same time to be loaded with the charge of maintaining useless fleets and armies at home, fleets and armies which, instead of protecting us, serve for nothing but to prevent our taking vengeance of those that have injured us: This, I say, would make any people upon earth uneasy. Change but your measures, my Lords: Let your fleets and your armies be a terror to your enemies, instead of being a terror to your own people; and you will find that every man will chearfully pay those taxes that are necessary for maintaining them. Notwithstanding our bad management, we could still raise great sums for supporting a just and necessary war; and, by good œconomy, and reducing the expence of our civil government, we could apply a great part of what is now raised to the same purpose. The people will never grudge the expence they are put to in vindicating their just rights and privileges; but they grudge to see their substance eat up by useless
 2 officers,

‘ officers, or pensioners, either civil or military;
‘ especially, when they suspect, that those officers,
‘ and those pensioners, are kept in pay, for no o-
‘ ther reason but to take their substance from them
‘ in a legal way.

‘ Thus much, my Lords, I have been obliged
‘ to say of our present situation, both foreign and
‘ domestick, in order to shew, that however low
‘ we may be brought by our past conduct, we are
‘ not yet brought so low as to be obliged to accept
‘ of a dishonourable treaty, or to allow our most
‘ important rights to be negotiated away by pleni-
‘ potentiaries; but, if it were so, if we were really
‘ in such a desperate condition, would it be proper
‘ for this house, could we in honour begin our
‘ session with any thing that might look like a
‘ compliment upon our past conduct? Ought we
‘ not upon such a melancholy occasion to begin
‘ with an address in the most general terms; and
‘ immediately after, enter upon an enquiry into
‘ the state of the nation, and into the conduct of
‘ those who had brought us into such a desperate
‘ condition? We may see, from what his Majesty
‘ has, in his speech, told us of the convention,
‘ that it is such a one as we ought not to have ac-
‘ cepted of, unless we are in the most desperate
‘ condition. Therefore, we must, from what his
‘ Majesty has said in his speech, conclude, that we
‘ must either censure the treaty, or we must enquire
‘ into and censure the conduct of those, who have
‘ brought us into such a desperate condition, as to
‘ be obliged to accept of such a treaty. In these
‘ circumstances, can we put any thing into our ad-
‘ dress, that may look like an approbation of our
‘ past conduct? Can we mention any thing of our
‘ late conduct, especially this convention, which
‘ seems to be the *coup-de-grace*, I say, can we
‘ mention it, without testifying, in some manner
‘ or other, our disapprobation?

‘ I shall always be for avoiding a war, if possible; but the question is not now about avoiding a war. My Lords, we have already made a war necessary: Our past conduct has made it absolutely necessary. We have long ago, by our tame submissions, made the *Spaniards* think, that we dare not go to war. It is from hence, that all our late grievances have proceeded. We have submitted so long, and have fitted out so many peaceable squadrons, that they think we dare not strike a blow; and they are now so much confirmed in this opinion, that nothing but striking will make them believe we dare. While they continue in this opinion, we can expect no equal terms, nor can we expect they will observe any terms they agree to. Whilst one nation has such an opinion of another, I shall grant that general treaties, or general expressions in treaties, are as good as particular. The nation that has such a despicable opinion of its neighbour, will observe neither; but surely, we are not to confirm *Spain* still more and more in this opinion, by accepting of such general terms as we have already found to be ineffectual. We must strike a blow, if it were for nothing else but to make them alter their opinion; and, when we do strike, I hope care will be taken to give them such a blow as they must remember.

‘ But, my Lords, as the question now before us is not about what may or must be done, I shall enlarge no farther upon this subject. I mentioned it only to shew the ridiculousness of our agreeing to treat or negotiate longer with the *Spaniards* about any thing; and, as his Majesty has told us, that by this convention we have agreed not only to begin a new negotiation, but to negotiate about a claim which we ought never to have allowed to have been brought into any negotiation; I say, as his Majesty has told us

‘ this,

‘ this, in his speech from the throne, and as this
 ‘ is what, I hope, no Lord in this house will ap-
 ‘ prove of, as it is what, I think, we ought to
 ‘ censure, as it is what we must censure, otherwise
 ‘ the whole nation will censure us, therefore, I
 ‘ must think that the utmost complaisance we can
 ‘ shew in our address, is not to mention it at all;
 ‘ for which reason, I shall be for the amendment
 ‘ proposed.’

The Lord *Hervey* spoke next as follows :

‘ My Lords,

‘ As the proposition now made to you contains <sup>Lord Her-
vey's speech.</sup>
 ‘ no direct approbation, neither of the convention,
 ‘ nor of any thing that has been lately transacted;
 ‘ as the expressions are so general that, in my opi-
 ‘ nion, they do not so much as insinuate, that you
 ‘ do approve, or that you will approve of any part
 ‘ of our late conduct; I cannot think that your
 ‘ agreeing to what is proposed will meet with any
 ‘ censure without doors: I am sure it can meet
 ‘ with no just censure.

‘ My Lords, the wisest, the most necessary re-
 ‘ solutions we can come to, may be misinterpreted
 ‘ or misrepresented by some seditious or ill-design-
 ‘ ing men without doors; but, to such misinter-
 ‘ pretations or misrepresentations we ought never
 ‘ to shew the least regard, unless it be to punish
 ‘ the authors, as often as they can be detected and
 ‘ apprehended. In all cases that come before us,
 ‘ we ought to consider and regard only our duty
 ‘ as members of this house; and, as I think there
 ‘ is nothing in the address proposed, that can be
 ‘ looked on in any other light, than as expressions
 ‘ of our duty and affection to our Sovereign, I
 ‘ must think that my duty, as a member of this
 ‘ house, obliges me to agree to it without any a-
 ‘ mendment. Our agreeing to the amendment
 ‘ proposed

‘ proposed would, in my opinion, look as if we
 ‘ had, at present, some secret and extraordinary
 ‘ reason for limiting and setting bounds to those
 ‘ expressions of respect and esteem for our Sove-
 ‘ reign, which are usual upon such occasions; and,
 ‘ as no part of his Majesty’s late conduct can fur-
 ‘ nish us with the least shadow of reason for doing
 ‘ so, I shall be against our agreeing to any thing,
 ‘ that may make the people without doors ima-
 ‘ gine, or suspect that we have any such reason.

‘ With regard, my Lords, to the convention
 ‘ lately concluded between his Majesty and the
 ‘ King of *Spain*, as it is not yet laid before us, it
 ‘ cannot properly be brought into this debate.
 ‘ Both within doors and without, it ought to be
 ‘ judged favourably of, till some proof to the con-
 ‘ trary appears; but if we agree to this amend-
 ‘ ment, it will at least make the people without
 ‘ doors judge very unfavourably of the conven-
 ‘ tion; and I do not think we ought, without
 ‘ good grounds, to raise a suspicion of the conduct,
 ‘ even of the administration. When I am con-
 ‘ vinced, that our ministers have done any thing
 ‘ that is wrong, I shall be as ready to disapprove,
 ‘ I shall be as ready to censure, as any Lord in this
 ‘ house; but as it is for the publick good, that
 ‘ our people should have a confidence in those that
 ‘ govern them, when they deserve it, I shall never
 ‘ be for agreeing to any thing that may lessen that
 ‘ confidence, till I am fully convinced that they
 ‘ deserve no confidence; which, I think, none of
 ‘ your Lordships can be, from any thing mention-
 ‘ ed in his Majesty’s speech. There is nothing in
 ‘ his Majesty’s speech that can make us judge a-
 ‘ miss of the convention, or of any of the mea-
 ‘ sures made use of for bringing it to a conclusion.
 ‘ The searching of our ships upon the high seas,
 ‘ is not referred to our plenipotentiaries, nor is to
 ‘ be regulated by them, or by any other minister
 ‘ whatever.

‘ whatever. I do not know that the *Spaniards*
‘ ever directly pretended to any such right. They
‘ pretended, and they have a right to pretend,
‘ that none of our ships ought to carry on an illicit
‘ trade with their plantations. We pretend the
‘ same with regard to our plantations; and we
‘ have a mutual right to prevent this illicit trade,
‘ by all those means that are allowed by the law
‘ of nations; but the *Spaniards* have lately made
‘ use of such means, as are not allowed by the law
‘ of nations, such as are inconsistent with the free-
‘ dom of our trade and navigation.

‘ This, my Lords, is what we complain of:
‘ This is what we justly complain of: This is the
‘ present chief dispute between us and *Spain*, and
‘ this is not only a point that admits of a discus-
‘ sion, but a point that cannot be settled without
‘ a discussion. We must concert together what
‘ means they may make use of, what means we
‘ may allow them to make use of, for preventing
‘ an illicit trade between the subjects of the two
‘ nations. This is not to be settled at once, nor is
‘ the question to be answered by a Yes or a No.
‘ They must, on their part, take care, that no
‘ back door is left open for carrying on a contra-
‘ band or illicit trade, under the pretence of a free
‘ and uninterrupted navigation; and we, on our
‘ part, must take great care, that no pretence shall
‘ be given to the *Spanish Guarda Costa’s* for inter-
‘ rupting our lawful trade in the *American* seas,
‘ by any measure they may think necessary for
‘ guarding their coasts against a contraband and
‘ unlawful trade. Your Lordships must see that
‘ this is a point which requires great deliberation;
‘ and this only is what is, by the present conven-
‘ tion, referred to be regulated within a limited
‘ time by plenipotentiaries.

‘ In this, my Lords, there is nothing dishonour-
‘ able, there is nothing disadvantageous to the na-
‘ tion.

' tion. If the *Spaniards* should insist upon making
 ' use of such methods, for preventing an illicit
 ' trade on their coasts, as are contrary to the law
 ' of nations, and inconsistent with the freedom or
 ' safety of our navigation in the *American* seas,
 ' our plenipotentiaries may, and certainly will, re-
 ' fuse to agree to them; and, if they propose no
 ' methods but what we may safely admit of, with-
 ' out exposing our navigation or commerce to any
 ' danger, surely your Lordships will all be of opi-
 ' nion, that we ought to agree to their making
 ' use of such methods rather than go to war, and
 ' those methods must be settled and regulated by
 ' a treaty between the two nations. If this should
 ' appear to be the case, we would have no pre-
 ' tence for declaring war against them: Such a war
 ' would certainly be unjust upon our part; because
 ' it would be, and by all *Europe* would be con-
 ' sidered as a war, for supporting the smuggling
 ' trade, that may be carried on by our subjects in
 ' the *Spanish West-Indies*. It would be the same
 ' thing as if *Holland* or *France* should say to us,
 ' You shall not take the proper and necessary me-
 ' thods for preventing the running of wool out of
 ' the islands of *Great Britain* or *Ireland*; if you
 ' do, we shall declare war against you.

' There is nothing therefore, my Lords, in his
 ' Majesty's speech, that can induce us to think,
 ' that we must censure the convention lately con-
 ' cluded; and therefore, nothing that can prevent
 ' our agreeing to the proposition now made to us.
 ' It was last session the opinion of Parliament, it is
 ' the opinion of every man of sense in the king-
 ' dom, that all peaceable methods ought to be tri-
 ' ed for obtaining satisfaction and security, before
 ' we have recourse to force of arms. This cannot
 ' be done but by way of negotiation; and in this
 ' negotiation, the King of *Spain* has shewn that he
 ' is seriously inclined to do us justice, by his hav-
 ' ing

‘ ing already, by way of preliminary, agreed to
‘ give us satisfaction for what is passed. We could
‘ not desire a more substantial proof of his being
‘ inclined to give us security against future injuries,
‘ as soon as such a security can be contrived, as
‘ may be consistent with the security of his own
‘ dominions in *America*.

‘ This security, my Lords, is to be granted,
‘ and all the other disputes between us settled,
‘ within a limited time; so that the negotia-
‘ tion can be of no long continuance. A few
‘ months will determine, whether we are to
‘ have peace or war; and if we should at last
‘ be obliged to go to war, we shall be able to
‘ justify it to the whole world. People may call
‘ the convention a paper peace, or by what other
‘ name they please; but if ever we make peace,
‘ we must trust to paper, or we can trust to no-
‘ thing. Negotiations may be supported or en-
‘ forced by military preparations, but they must
‘ be carried on in paper; and if we should go
‘ to war, ’tis to be hoped we should not always
‘ continue in that dangerous and troublesome
‘ state. The end of war is peace; and that
‘ peace must be preceded by a negotiation, and
‘ confirmed by a treaty, both which must be in
‘ paper. I have often heard of a paper war,
‘ and there are some amongst ourselves who
‘ seem to be fond of it; therefore I am sur-
‘ prized to hear them condemn paper negotia-
‘ tions, or a paper peace. With respect to war,
‘ the term may be just; but, since paper was
‘ invented, I never heard of a peace that was
‘ concluded without paper; and therefore every
‘ treaty, and every convention, may be called a
‘ paper peace, as well as the present: There
‘ can be no other sort of peace; and that which
‘ is now begun between *Spain* and us, I hope,
‘ will

‘ will not only be soon concluded, but that it
 ‘ will be a safe, honourable and lasting one.

‘ However, my Lords, as neither the conven-
 ‘ tion, nor any thing relating to it, can now come
 ‘ properly under your consideration, I need say
 ‘ nothing more of it at present. I hope, I have
 ‘ shewn, there is nothing in his Majesty’s speech,
 ‘ can make us suspect that the convention is either
 ‘ dishonourable, or disadvantageous for this nation.
 ‘ When it is laid before us, we may judge of it
 ‘ with some certainty; and as there is nothing in
 ‘ the proposition now made to you, that can pre-
 ‘ clude any of your Lordships from giving your
 ‘ sentiments freely about the convention, when
 ‘ you see it, I think your Lordships are, in duty
 ‘ to his Majesty, bound to agree to what is pro-
 ‘ posed without any amendment.’

The Lord *Bathurst* spoke next to this effect:

‘ My Lords,

Lord *Ba-
thurst*’s
speech.

‘ I shall most readily agree with the noble Lord
 ‘ who spoke last, that in all cases we ought to con-
 ‘ sider and regard chiefly our duty as members of
 ‘ this house; for if we do so upon this occasion,
 ‘ we must, I think, agree to the amendment pro-
 ‘ posed. As members of this house, my Lords,
 ‘ we are counsellors to our Sovereign; and as such
 ‘ we are not only in duty bound to give him our
 ‘ best and most sincere advice, but also we are
 ‘ bound not to approach the throne, with any
 ‘ thing that may lead our King into a mistaken
 ‘ notion of the wisdom or conduct of those, in
 ‘ whom he has been pleased to place a confidence.
 ‘ Therefore if we have a bad opinion of the wis-
 ‘ dom or conduct of any such person, we ought,
 ‘ at least, when we approach the throne, to avoid
 ‘ saying any thing that may tend to make his Ma-
 ‘ jesty believe, that we have a contrary opinion.

‘ In

‘ In this light let us consider the address now proposed, let us consider whether the making of compliments, even upon his Majesty’s late conduct, will not induce his Majesty to think, that we have a good opinion of the wisdom of his ministers, especially if he be conscious that his conduct was directed chiefly by their advice. In my opinion, our compliments, upon this occasion, may in this way have a very bad effect; and as I think sincerity more requisite in a counsellor than complaisance, I shall always be for neglecting or avoiding the latter, when I think it inconsistent with the former.

‘ I shall likewise admit, my Lords, that we ought to shew no regard to the misrepresentations of seditious and ill-designing men; but at the same time it must be allowed, that we ought not to do, or say any thing, that may lead the innocent and unwary into a mistake; especially when that mistake may contribute to make them think amiss of the wisdom, honour, or integrity of this house. The late convention is not, ’tis true, as yet laid before Parliament; but, my Lords, it is publicly known, and generally condemned. What will the publick, especially the honest and sincere part of mankind, think of our returning unfeigned thanks to his Majesty for telling us that a convention is concluded, which, even from what he says of it, will be greatly disapproved of by every man that reads his Majesty’s speech from the throne? My Lords, your returning unfeigned thanks for such a piece of information, may be a proof of your complaisance, but, I am afraid, it will be look’d on by a very few as a proof of your sincerity.

‘ My Lords, whatever the noble Lord may have, I must confess I have, at present, an extraordinary reason for setting bounds to, or rather for entirely avoiding many of those expressions

‘ fions which have of late years become usual on
‘ such occasions. It is not indeed a secret reason:
‘ It is a reason which will be guessed at without
‘ doors; and, that it may not be mistaken within,
‘ I shall explain it to your Lordships. It is be-
‘ cause I think our ministers have made, and ad-
‘ vised his Majesty to ratify, a convention which,
‘ from what his Majesty has told us of it, appears
‘ to me, to be both dishonourable and disadvanta-
‘ geous. My Lords, considering the great and
‘ repeated insults which the crown and flag of
‘ *Great Britain* have met with, it was, I think,
‘ dishonourable to agree to any sort of treaty,
‘ without some signal reparation of honour: His
‘ Majesty does not so much as insinuate, that any
‘ such reparation has been stipulated. Considering
‘ the great and extraordinary charges we were last
‘ summer put to, occasioned purely by the delays
‘ the *Spaniards* made in offering us satisfaction, I
‘ think it was both dishonourable and disadvanta-
‘ geous to agree to any treaty, without stipulating
‘ satisfaction for some part, at least, of our charges:
‘ His Majesty does not say we have stipulated any
‘ such satisfaction: Nay, he does not say that we
‘ have stipulated *a full* reparation even for our los-
‘ ses. And, considering the dangerous and info-
‘ lent claim, of a right to search our ships upon
‘ the high seas, which the *Spaniards* have not on-
‘ ly set up, but of late frequently exercised; I
‘ think it was to the last degree dishonourable, to
‘ begin to treat with them, till they had, by way
‘ of preliminary, given up this claim, in the most
‘ express and particular terms. Considering these
‘ things, my Lords, I think we ought, upon this
‘ occasion, to return to our antient method of ad-
‘ dressing, if it were for no other reason, but for
‘ shewing both to his Majesty and the world, that
‘ we are not satisfied with what has been done by
‘ his ministers. This we ought to take the first
‘ opportunity

‘ opportunity for shewing, and the manner now
 ‘ proposed is, I think, the most gentle manner we
 ‘ can chuse for doing it.

‘ I am surprized to hear it said, that the *Spani-*
 ‘ *ards* never directly pretended to a right of search-
 ‘ ing our ships upon the high seas. My Lords,
 ‘ they have not only pretended to it, but they
 ‘ have actually exercised it. They have exercised
 ‘ it in the most insulting and cruel manner. Nay,
 ‘ they have gone yet farther, they have seized and
 ‘ confiscated *British* ships, navigated by *British*
 ‘ seamen only, and sailing only from one part of
 ‘ the *British* dominions to another, for having
 ‘ goods on board, that are neither contraband, nor
 ‘ prohibited by any law in the world, but the par-
 ‘ ticular law of *Spain*. Who gave them a power,
 ‘ my Lords, to prescribe to us what goods our
 ‘ ships shall carry from one part of our own domi-
 ‘ nions to another? Who gave them a power to
 ‘ subject our seamen or merchants to torture, or
 ‘ to punish them with loss of liberty and estate,
 ‘ though they have never perhaps been in any part
 ‘ of the *Spanish* dominions, nor committed any
 ‘ crime against the law of nations?

‘ I know, my Lords, the pretence set up by
 ‘ the *Spaniards*, for searching our ships upon the
 ‘ high seas, is to prevent illicit trade with their
 ‘ dominions in *America*; and surely, every one
 ‘ that searches a ship, either in port or at sea, must
 ‘ do it on some pretence, or for some end; but no
 ‘ nation ever did, or ever will, allow their ships to
 ‘ be searched on the high seas by the subjects of
 ‘ another nation, on any pretence, or for any end
 ‘ whatever. The *Spaniards* have a right, as every
 ‘ other nation has, to search, in a lawful manner,
 ‘ all ships that enter their ports. They have a
 ‘ right, as all other nations have, to visit ships at
 ‘ sea, in order to see that they are not bound to an
 ‘ enemy’s port, with such goods on board as are

' made contraband by the law of nations, or by
 ' particular treaty; but this they must do accord-
 ' ing to treaty, they must not pretend to search,
 ' they must give entire faith to the bills of lading,
 ' and even when by them it appears, that there
 ' are contraband goods on board, they can seize
 ' those goods only, they have nothing to do with
 ' the ship or the rest of the cargo. The *Spaniards*
 ' have a right, by the law of nations, and by trea-
 ' ties subsisting between the two crowns, to pre-
 ' vent illicit trade between our subjects and theirs
 ' in *America*: They may seize any *British* ship that
 ' shall be found trafficking in any port or haven,
 ' possessed by them in *America*; but the ship must
 ' be in some such port or haven, and must be
 ' found trafficking, or found there without any
 ' pretence of distress, before they can seize her.
 ' They have no right to search any *British* ship
 ' upon the high seas, in order to discover whether
 ' she has been carrying on an illicit trade; and the
 ' right as well as method of visiting for this pur-
 ' pose, which is a right entirely distinct, and very
 ' different from the right of searching, remains yet
 ' unsettled between the two nations.

' This, my Lords, is the mistake that has oc-
 ' casioned all our late disputes with *Spain*. Our
 ' ministers, or at least our negotiators, have never
 ' properly distinguished between searching and vi-
 ' siting; and the *Spanish* ministers would not; be-
 ' cause, while we continued puzzling and treating,
 ' they continued, and, I believe, will continue
 ' searching and seizing. But, if our negotiators
 ' had understood what they were about, they
 ' ought to have insisted upon no search on the o-
 ' pen seas, as a preliminary; and then they might
 ' have begun to treat about the method of visiting,
 ' and what might be looked on as signs or proofs of
 ' the ship's being engaged in an illicit trade. A
 ' ship's being found hovering upon their coasts,

' with broken bulk, and without any proper passes
 ' or bills of lading, or being able to shew a just
 ' cause for her being there, or in that condition,
 ' might, for what I know, have been allowed as
 ' a good reason for seizure and confiscation. But
 ' in this case, I hope, no negotiator would have
 ' allowed, that a ship's having any sort of goods
 ' on board, should be a reason for seizure or con-
 ' fiscation, if it appeared by the bills of lading,
 ' that those goods were taken on board, at any
 ' port or haven where such ship might lawfully
 ' trade. Every pretence of this kind ought cer-
 ' tainly to have been given up, as well as the point
 ' of No search, by the *Spaniards*, before we had
 ' agreed to treat with them about the method of
 ' visiting, or about any thing that might be taken
 ' as a proof of a ship's being engaged in an unlaw-
 ' ful trade; and, if the dispute between us had,
 ' at the beginning, been put into this light by our
 ' negotiators, we might probably have prevented
 ' a war, as well as the many losses our merchants
 ' have met with: Whereas we have now, in my
 ' opinion, by the ignorance or the blunders of our
 ' negotiators, perplexed this case so much, we
 ' have given the *Spaniards* such a mean opinion of
 ' us, and we have turned the affairs of *Europe* into
 ' such an unhappy situation; that, I am afraid, we
 ' must either agree to a dishonourable treaty of
 ' peace, or engage in a dangerous and unequal
 ' war. In such circumstances, my Lords, shall we
 ' say any thing to his Majesty, that may make
 ' him believe, we have a good opinion of the wis-
 ' dom or conduct of those who have led us into
 ' such a dilemma?

' As for what we have now thought fit to ac-
 ' cept of, whether it has been called, or ought to be
 ' called a paper peace, is what I do not know.
 ' I believe it ought rather to be called a piece
 ' of paper. I am afraid, my Lords, it will be

‘ found to be nothing else. I do not expect to
 ‘ see any one article of it performed. The no-
 ‘ ble Lord says, there can be do sort of peace
 ‘ but a paper peace. From what we have lately
 ‘ experienced one may, indeed, imagine so;
 ‘ but surely, there is as great a difference be-
 ‘ tween a paper peace and a real peace, as be-
 ‘ tween a paper war and a real war. A paper
 ‘ war is a war without any hostilities; a paper
 ‘ peace is a peace without any cessation from
 ‘ hostilities. A real war is a commencement of
 ‘ hostilities, a real peace is a cessation from
 ‘ hostilities. We have, of late years, made se-
 ‘ veral treaties of peace with *Spain*, yet they
 ‘ have continued their hostilities against us, and
 ‘ they will, I believe, continue to do so, not-
 ‘ withstanding this convention, unless we keep
 ‘ a squadron in the *West-Indies*, sufficient to pre-
 ‘ vent it.

‘ Thus, my Lords, I have explained to you
 ‘ the extraordinary reason I have for thinking,
 ‘ that upon this occasion we ought to avoid
 ‘ making use of that method, or of those ex-
 ‘ pressions, that have of late years become usual
 ‘ upon such occasions. And as this reason is
 ‘ founded entirely upon what his Majesty has
 ‘ told us in his speech from the throne, it is as
 ‘ strong as it could be, were the treaty itself
 ‘ now before us. What your Lordships may
 ‘ think of it, I do not know; but with me it is
 ‘ a sufficient reason for agreeing to the amend-
 ‘ ment proposed.’

The last that spoke in this debate, was the
 Duke of *Argyle*, who spoke thus:

‘ My Lords,

‘ In this debate I have heard many things
 ‘ which I highly approve of, particularly some
 ‘ things

‘ things that have been mentioned by the two
 ‘ noble Lords sitting over against me. As for
 ‘ that treaty, that thing, they call a convention,
 ‘ I know it is a little irregular to say any thing
 ‘ of it, till it is laid before us; but I know so
 ‘ much of it already, that I can now say, I shall
 ‘ not approve of one article of it.

‘ However, my Lords, as there is nothing in
 ‘ the address proposed that can, in my opinion,
 ‘ be looked on as an approbation of that trea-
 ‘ ty; as it contains nothing but a compliment
 ‘ to his Majesty, and even that compliment
 ‘ more carefully expressed, than has of late been
 ‘ usual upon such occasion; and as I think it
 ‘ necessary upon the present occasion, and in our
 ‘ present circumstances, to shew the greatest
 ‘ unanimity amongst ourselves, and the utmost
 ‘ regard and affection for the person of our So-
 ‘ vereign, therefore I shall be for agreeing to
 ‘ what is proposed without any amendment.’

After this debate, the question was put upon
 the amendment, which being carried in the ne-
 gative, the address, as first proposed, was agreed
 to, and was as follows;

‘ *Most gracious Sovereign,*

‘ **W**E your Majesty’s most dutiful and loyal Lords ad-
 dress, and
 the King’s
 answer.
 ‘ Subjects, the Lords Spiritual and Tem-
 ‘ poral in Parliament assembled, beg leave to
 ‘ return your Majesty our humble thanks for
 ‘ your most gracious speech from the throne.

‘ Amongst the many convincing proofs, which
 ‘ your Majesty hath given of your paternal and
 ‘ unwearied care of the rights of your people,
 ‘ nothing can fill their hearts with more grateful
 ‘ sentiments, than that sincere and affectionate
 ‘ concern, which you have so often declared, for
 ‘ the many hardships and injuries sustained by

‘ your trading subjects in *America*. The honour
 ‘ of your Majesty’s crown, and the true interest of
 ‘ your people, are, and ever will be, inseparable;
 ‘ and as your Majesty hath, on all occasions, de-
 ‘ monstrated to the world, that you have both e-
 ‘ qually at heart, it was impossible for us, not to
 ‘ have the firmest dependence on your zeal and
 ‘ vigilance for their real security and preservation.

‘ The gracious regard which your Majesty is
 ‘ pleased to express for the resolutions and advice
 ‘ of your Parliament, is a great instance of your
 ‘ royal goodness; and though your Majesty’s con-
 ‘ stant desire, out of tenderness to your people,
 ‘ to avoid involving these kingdoms in the mani-
 ‘ fold inconveniencies of war, must incline you to
 ‘ approve the beginning with more moderate mea-
 ‘ sures; yet we never entertained the least doubt,
 ‘ but that true greatness and fortitude, which in-
 ‘ spire your royal breast, would induce you to ex-
 ‘ ert your utmost power, in vindicating and pro-
 ‘ tecting our undoubted privileges of navigation
 ‘ and commerce; and in doing justice to yourself
 ‘ and your subjects, if the conduct of the court
 ‘ of *Spain* had made such measures necessary.

‘ We beg leave on this occasion, to offer to
 ‘ your Majesty our unfeigned thanks for your
 ‘ great goodness and condescension, in acquainting
 ‘ us from the throne, that a convention is conclu-
 ‘ ded and ratified between your Majesty and the
 ‘ King of *Spain*, whereby reparation is agreed to
 ‘ be made to your subjects for their losses, by a
 ‘ certain stipulated payment; and plenipotentiaries
 ‘ are appointed for regulating, within a limited
 ‘ time, all those grievances and abuses which have
 ‘ hitherto interrupted our commerce and naviga-
 ‘ tion in the *American* seas; and that your Majesty
 ‘ will be pleased to order the convention and sepa-
 ‘ rate articles to be laid before us.

‘ We

‘ We shall fall short of those warm impressions
‘ of gratitude, which we feel in ourselves, as well
‘ as be wanting in our duty, if we did not return
‘ your Majesty our most thankful acknowledg-
‘ ments for your royal care, in making use of the
‘ confidence reposed in your Majesty, with no
‘ other view, but the general and lasting benefit
‘ of your kingdoms. Reparation for past injuries
‘ and losses, and effectual security for the future,
‘ founded in justice, and warranted by treaties,
‘ have been the great views of your Majesty, and
‘ your Parliament, in this national and important
‘ affair; and if those purposes can be attained,
‘ without plunging the nation into a war, it must
‘ give the truest satisfaction to all your faithful
‘ subjects, who cannot but be as desirous to pre-
‘ serve the peace, as they are able and ready to
‘ defend and vindicate their rights, against the in-
‘ croachments of all aggressors.

‘ We are deeply sensible, how unbecoming and
‘ pernicious it would be, at any time, to suffer ei-
‘ ther prejudices or animosities to mix themselves
‘ with parliamentary deliberations; and your Ma-
‘ jesty’s gracious recommendation to us, particu-
‘ ly to avoid them at this important conjuncture,
‘ cannot fail to awaken in us a more than ordinary
‘ caution on that head. *Great Britain* hath but
‘ one common interest, consisting in the security
‘ of your Majesty’s person and government, and
‘ the welfare and happiness of your people: And
‘ when your Majesty is pleased to exhort us to
‘ unanimity, it is only calling upon us to unite for
‘ our own preservation. We therefore beseech
‘ your Majesty, to accept the strongest and most
‘ affectionate assurances, that we will zealously and
‘ chearfully concur in all such measures, as shall be
‘ most conducive to those great and desirable ends.’

His Majesty's most gracious answer.

My Lords,

I Thank you for this dutiful and affectionate address, and for the dependence you express on my care, to make use of the confidence you repose in me, for the general benefit of my people. You may rely on the continuance of my endeavours to perfect the accommodation with the court of Spain, in such a manner, as may be most for the honour of my crown, and the true interest of my kingdoms; and that I will pursue such measures, as shall appear to be most conducive to the future security of the trade and navigation of my subjects.

Motion for
an address in
the house of
Commons.

The Commons being returned to their own house, and Mr. Speaker having read his Majesty's speech to them, *John Campbell*, Esq; Knight of the shire for *Pembrokeshire*, stood up, and moved the house to resolve:

‘ That an humble address be presented to his Majesty, to return his Majesty thanks for his most gracious speech from the throne.

‘ To acknowledge his Majesty's great goodness in the constant regard his Majesty has been pleased to express to the petitions and complaints of his subjects, and the advice of his Parliament, and in pursuing such measures for the honour and dignity of his crown, and the true interest of his people, as his Majesty in his great wisdom judg'd to be most proper and advantageous.

‘ To congratulate his Majesty on the success of his royal endeavours, in concluding a convention with the King of *Spain*, whereby reparation is stipulated to be made and paid to his Majesty's injured subjects, and plenipotentiaries appointed for regulating all those grievances and
‘ abuses

‘ abuses which have hitherto interrupted the commerce and navigation of the kingdom, and for removing all future causes and pretences of complaint.

‘ To assure his Majesty, that his faithful Commons will effectually support his Majesty in accomplishing and bringing to perfection this great and necessary work, in such a manner as may answer the just demands and expectations of his Majesty and his people.

‘ And that his faithful Commons will grant to his Majesty such supplies as shall be necessary for the honour and security of his Majesty and his kingdom; and that they will endeavour to avoid all heats and animosities in carrying on the publick business at this critical and important juncture.’

Whereupon Sir *William Wyndham* stood up and moved, by way of amendment, That all the intermediate paragraphs between the first and last should be left out; which occasioned a debate, in which Sir *Robert Walpole* spoke to this effect:

Amendment
to the motion.

‘ Mr. Speaker,

‘ Sir, The importance of this juncture, the expectations of the house, and the share I have the honour to bear in his Majesty’s counsels, make it proper and necessary that I should say somewhat on this occasion: But at the same time I own that I am able to say nothing that can give any gentleman, who judges coolly and impartially, any additional conviction of this address without the amendment being proper, besides the conviction he must receive from reading the words of the address itself.

Sir Robert
Walpole’s
speech.

‘ We have now, Sir, enter’d into a debate about a measure, the event of which must, in some degree, influence posterity in the judgment

' ment they shall form of the glory of *England*,
 ' and the wisdom of her government during his
 ' present Majesty's reign. The wrongs, Sir, we
 ' have received from *Spain* have been great, and
 ' the present age expects that the satisfaction we
 ' are to receive, or the revenge we are to take for
 ' these wrongs, will be great also. Future ages,
 ' Sir, in case the present is disappointed in this
 ' expectation, will look upon us as a dispirited,
 ' corrupted, mean people; in short, they will
 ' look upon us in the same light in which some
 ' gentlemen take the liberty to represent the mi-
 ' nistry. But, Sir, if on this occasion his Ma-
 ' jesty's ministers have obtained more than ever
 ' on like occasions was known to be obtained;
 ' if they have reconcil'd the peace of their coun-
 ' try to her true interest; if this peace, Sir, is
 ' attended with all the advantage that the most
 ' successful arms could have procured, as I hope
 ' to make appear, I will be bold to say, that
 ' future ages, always impartial in their censure
 ' or praise, will consider this as the most glorious
 ' period of the *English* history, and do that justice
 ' to the counsels which have produced this happy
 ' event, which every gentleman who divests him-
 ' self of passion and prejudice is ready to do, and
 ' which I have great reason to believe the present
 ' age, when rightly inform'd, will not refuse.

' The Parliament, Sir, is his Majesty's greatest,
 ' safest, and best council. A seat in this house is
 ' equal to any dignity deriv'd from posts or titles,
 ' and the approbation of this house is preferable
 ' to all that power, or even Majesty itself, can
 ' bestow; therefore, Sir, when I speak here as a
 ' minister, I speak as possessing my powers from
 ' the nation, but as being answerable to this
 ' house for the exercise of those powers. I have
 ' often, Sir, on other occasions, profess'd my
 ' readiness to submit to the justice of my country,
 ' and

‘ and shall chearfully acquiesce in the judgment
‘ this house shall form of our negotiations; be-
‘ cause, Sir, while I do that, I am sure to suffer
‘ no wrong. But, Sir, as the best and most
‘ equitable intentions may be perverted by misre-
‘ presentation of facts, and as the most impar-
‘ tial mind is susceptible of prejudice when art-
‘ fully instill’d, I hope it will be look’d upon as a
‘ proper piece of justice done to myself, if I shall
‘ endeavour to set this affair in a light that may
‘ remove all objections.

‘ I shall not take up your time, Sir, with fol-
‘ lowing gentlemen through every maze of argu-
‘ ment they have run into. I think that the
‘ stating of one or two facts is sufficient to give
‘ us light enough, and to direct us in our delibe-
‘ rations upon this address.

‘ The chief consideration then, Sir, that arises
‘ from the present question is, Whether, as *Great*
‘ *Britain* is now circumstanced, it had been more
‘ proper for the government to have enter’d into
‘ a bloody and uncertain war, or to lay such a
‘ foundation for a peace, as what no gentleman
‘ can regularly pronounce is not a safe and ho-
‘ nourable foundation. In order to consider this
‘ question rightly, we must take a view of the
‘ advantages we could propose to ourselves in case
‘ of a war with *Spain*, and in case that war was
‘ even to be successful.

‘ And, Sir, I know, that gentlemen, who are
‘ otherwise very candid upon this point, are apt
‘ to imagine, from the military glory of this
‘ kingdom, that our arms are invincible: And
‘ I own, Sir, that this is a most prevailing argu-
‘ ment, especially in a popular assembly. There
‘ is somewhat in it, that flatters the ambition
‘ which people generally entertain of acquiring
‘ fame and riches by the same means that raised
‘ their ancestors. There is somewhat in the
‘ history

' history of the wars between *England* and *Spain*
 ' that is peculiarly bewitching to an *Englishman*.
 ' We there see great navies defeated, great trea-
 ' sures, and still greater glories, acquired by the
 ' *English* soldiers and sailors. But, Sir, while
 ' these flattering scenes dazzle the mind, it has no
 ' leisure to reflect that the situation of affairs be-
 ' twixt *England* and *Spain* is entirely different
 ' from what it then was. The King of *Spain* at
 ' that time was the dread, was the envy of *Eu-*
 ' *rope*. He had then powerful armaments, which
 ' excited the courage of the brave, and immense
 ' treasures, all his own, that prompted the ava-
 ' rice of the rich. He had not one ally in the
 ' world who bore him good will enough to assist
 ' him with any zeal, and his views were so dan-
 ' gerous, that his enemies borrow'd courage from
 ' despair. Let us consider, Sir, if this is his
 ' situation at present.

' At present, Sir, if I may advance a paradox,
 ' his greatest security lies in his visible weakness.
 ' The preservation of the *Spanish* monarchy in
 ' *America* entire and undismember'd has, for al-
 ' most an age past, seem'd to be the general incli-
 ' nation of all the powers in *Europe*; because,
 ' were the riches that flow into *Spain*, by means
 ' of her acquisitions in *America*, to fall into the
 ' hands of any other people, the rest of *Europe*
 ' must soon be drain'd of all its treasure. Where-
 ' as, at present, there is scarce any nation in *Eu-*
 ' *rope*, who has not a larger property in her plate-
 ' ships and galleons, than she herself has. It is
 ' true, all that treasure is brought home in *Spa-*
 ' *nish* names, and the King of *Spain* generally im-
 ' poses a large indulto upon it; but *Spain* herself
 ' is no more than the canal through which these
 ' treasures are convey'd all over the rest of *Europe*.
 ' Should therefore we, or any other people, pre-
 ' tend to seize these treasures, we could not fail
 ' to

‘ to meet with a powerful opposition, and perhaps
‘ the jealousy that such a step might excite would
‘ be of worse consequence than all the wealth we
‘ should acquire could be beneficial to the king-
‘ dom. Even our best allies, Sir, I am afraid
‘ would look with a very indifferent eye upon
‘ such a step, and be the first that would enter
‘ their complaints against it.

‘ But I have heard it objected, that if this is a
‘ good reason now for our not endeavouring to
‘ distress *Spain* by intercepting her treasures, the
‘ same reason will always exist; since the other
‘ powers of *Europe* will always have a pro-
‘ perty in these ships; therefore there never can
‘ be a time proper for us to do ourselves justice in
‘ case we are denied it by *Spain*. I think this ar-
‘ gument rather plausible than solid. For my
‘ own part, Sir, I am of opinion, that though
‘ this would not have been the proper time for
‘ such a step, yet it is not at all impossible but
‘ that a time may come when such a step may be
‘ both proper and necessary. But give me leave
‘ to say, Sir, that this necessity can arise only
‘ from our suffering more from the violence and
‘ injustice of the *Spaniards*, than we can suffer from
‘ a confederacy of all the rest of *Europe* taking
‘ their part. It never can be proper, Sir, for us
‘ to seize the treasures coming to *Spain* from *Ame-*
‘ *rica*, until the court of *Spain* shall absolutely
‘ deny us justice, and tell us, in downright terms,
‘ that she is resolved to have no regard to the
‘ treaties subsisting betwixt *England* and her, and
‘ that she is determined to do all she can to ruin
‘ our trade, and to disturb us in the possession of
‘ our dominions in *America*. If she should pro-
‘ ceed, Sir, to that height of injustice, we might
‘ very naturally conclude, that here our all was
‘ at stake; that if we should look tamely on
‘ while our *American* commerce was ruin’d, our
‘ *European*

' *European* must soon follow ; for there is not a
 ' petty Republick, a petty Prince, in all *Europe*,
 ' who will pay any regard to a people who suffer
 ' such insolence, such injustice, without resenting
 ' it ; and that, if all our trade is gone and ruin'd,
 ' the nation is, in effect, undone. Therefore
 ' we have nothing in the worst event to fear,
 ' worse than what must unavoidably happen if
 ' we suffer this treatment any longer. I say, Sir,
 ' when we shall be brought thus low, and when
 ' the insolence of the *Spaniards* shall run so high
 ' as to render this way of reasoning just and na-
 ' tural, then is the time for us to venture upon so
 ' bold, I had almost called it so desperate, a step,
 ' as the seizing the *Spanish* treasures. So that
 ' gentlemen are mistaken in imagining that when
 ' the friends of the administration talk in favour
 ' of forbearance and pacifick measures, they mean
 ' as if that forbearance, and these pacifick mea-
 ' sures were to be eternal, and as if we ought to
 ' be deaf to all complaints, and insensible of all
 ' injuries whatsoever. But, Sir, will any gentle-
 ' man take upon him to pronounce, that this pre-
 ' sent juncture comes within this description, or
 ' that its circumstances admit of any parallel with
 ' those of the time I have just now figur'd ? No,
 ' Sir ; *Spain*, far from supporting any unjust
 ' claims, any claims that are inconsistent with the
 ' interest of this kingdom, has actually relin-
 ' quish'd those she before set up : She has actu-
 ' ally, I say, Sir, relinquish'd claims which she
 ' maintained for these three-score years past. I
 ' believe I may go higher, I may say, she has
 ' now, by this very convention, relinquish'd a
 ' claim which she has maintained ever since she
 ' possess'd her dominions in *America*. But that,
 ' Sir, is not all. She has not only given up this
 ' claim, but has paid damages for the injuries
 ' which the *English* subjects have suffer'd in conse-
 ' quence

‘ quence of her pretended rights, as founded
‘ upon this claim. This, Sir, is such a point
‘ gain’d, that gentlemen must be wilfully blind,
‘ if they don’t see that any administration in
‘ this nation must have been mad, had they de-
‘ sperately plung’d their country into a war,
‘ while it was in their power to conclude a peace,
‘ where this great, this decisive concession was to
‘ serve as the foundation. Upon what grounds,
‘ Sir, could we have proceeded to extremities
‘ with *Spain*? Had we pretended that, because
‘ some of our merchants had suffered by the in-
‘ justice and rapaciousness of her subjects, there-
‘ fore we were resolved to be deaf to every other
‘ way of making up the difference that follow’d
‘ upon this injustice, than that of the sword:
‘ Had we made such a declaration, Sir, and such
‘ a declaration we must have made, if we had
‘ gone to war, would not *Spain* have had a very
‘ plausible pretext for interesting the other powers
‘ of *Europe* in her favour? Might she not then
‘ have told the court of *France*: “ It is true,
“ some of the *English* merchants suffer’d by my
“ subjects, but without my knowledge, and a-
“ gainst my intention; but I was no sooner in-
“ form’d of the true state of the affair, than I
“ offer’d her all imaginable satisfaction; I even of-
“ fer’d to indemnify the merchants for the losses
“ they have sustained; I offer’d to tie myself
“ down to a strict observance of the treaties sub-
“ sisting between us; but it seems that these con-
“ cessions do not answer the views of *England*.
“ She therefore certainly entertains some dan-
“ gerous design, she is forming some project that
“ may be destructive to your interest, and which
“ I shall never be able to disappoint but by your
“ means.”

‘ This, Sir, I say, would have been the lan-
‘ guage of *Spain*, had the administration here re-
‘ jected

' jected all her offers, and turn'd its back upon the
 ' most favourable proposals. The court of *France*,
 ' in the mean time, shews too plainly, by her own
 ' conduct, what her sense of the matter is. She
 ' shews plainly that she is of opinion, a ship may
 ' be seiz'd on the open seas in *America* by *Spain*,
 ' and that such a ship, if concerned in an unlawful
 ' trade, may be brought into the *Spanish* ports,
 ' and there condemn'd. I say, Sir, that the *French*
 ' minister is plainly of that opinion, because we
 ' know that ships belonging to her were actually
 ' taken and confiscated by the *Spaniards*; nay, Sir,
 ' I can venture to affirm, that seizures have been
 ' made of *French* vessels by the *Spaniards* in *Ame-*
 ' *rica*, as much in violation of all treaties and jus-
 ' tice, as any subject of *England* ever yet had rea-
 ' son to complain of; but we never heard that
 ' *France* reclaim'd those ships. I don't know,
 ' whether that happen'd because her ministry was
 ' of opinion that these seizures were justifiable, or
 ' because they thought it would be impolitick to
 ' embroil themselves with *Spain* on account of any
 ' private quarrel. I don't at all deny, Sir, that
 ' we have suffer'd a great deal more from the *Spa-*
 ' *niards* than the *French* have; but I mention this
 ' to inform the house that, in all appearance, the
 ' *French* would have been our enemies, had we
 ' gone to war before we had treated; and if we
 ' had rejected all terms of accommodation, or in-
 ' sisted on those terms, that no people, not abso-
 ' lutely reduced, would have granted.

' Even the *Dutch*, Sir, a people who depend
 ' as much upon trade as we do, have never thought
 ' fit to come to extremities, though their sufferings
 ' are as great, and as unjustifiable, as ours are.
 ' They have been contented to make applications,
 ' and repeat remonstrances at the court of *Spain*,
 ' but we have never heard of any reparation they
 ' have obtained; we have never yet heard of their
 ' being

' being able to obtain so much as a cedula to the
 ' *Spanish* governors in *America* for the restitution
 ' of one ship of theirs unjustly seized. We, Sir,
 ' it is well known, have obtained many; and if
 ' some of them had not the desired effect, I am
 ' convinced it was owing more to the arts of the
 ' governors themselves, than to the intentions of
 ' the court of *Spain*. So that I cannot see, Sir,
 ' upon what foundation gentlemen proceed, when
 ' they represent *England* as under an administration
 ' so weak, that she has been for these twenty years
 ' past forc'd to put up with the grossest affronts
 ' and injuries, without the least satisfaction or re-
 ' paration. Had the *Dutch*, Sir, obtained as much
 ' as we did even before this convention, I am con-
 ' vinc'd, Sir, that they would have been perfectly
 ' contented. I am convinc'd their government
 ' would not have indulged the complaints of pri-
 ' vate traders so far, as to make a publick enquiry
 ' which might have occasion'd a rupture; nor
 ' would their ministers have insisted on immediate
 ' satisfaction. They know too well, Sir, that very
 ' great abuses are daily committed in the *American*
 ' trade; they know too well that publick com-
 ' plaints and remonstrances might produce an en-
 ' quiry that would turn out no way in their fa-
 ' vour.

' After what I have said, Sir, is it to be ima-
 ' gin'd that either the *French* or the *Dutch* would
 ' have been well pleased, had we all at once, with-
 ' out hearing, or at least weighing, the terms
 ' proposed by *Spain*, come to extremities? The
 ' *French*, so far from countenancing such a conduct
 ' in us, would not, I am afraid, have been pre-
 ' vailed upon to remain neutral. And however
 ' gentlemen may flatter themselves, however great
 ' an opinion they may entertain of the power of
 ' this nation, we are not invincible. The *French*
 ' have men, they have money, they have allies to

' support them. The *Spaniards* have revenge,
 ' they have pride, they have resentment to gratify.
 ' Gentlemen won't find that it would have been an
 ' easy matter for us to have grappled with both
 ' these powers, supported by such advantages, and
 ' prompted by such motives. I believe our land-
 ' forces are equal to any body of men in the world
 ' of the like number; but I have not so good an
 ' opinion of them as to venture the honour and
 ' interest of a whole kingdom on the bravery and
 ' skill of the small handful which we keep against
 ' the vast bodies of well-disciplin'd veteran troops,
 ' which *France* and *Spain* in conjunction can bring
 ' into the field. This, Sir, would be acting ro-
 ' mantically.

' As to the *Dutch*, they in all probability would
 ' have been determined by the conduct of *France*,
 ' in case we had come to an open rupture with
 ' *Spain*. Every gentleman here is sufficiently sen-
 ' sible of the present low circumstances of that Re-
 ' publick. The late glorious war left them prodi-
 ' giously involved in debt; this debt obliged them
 ' to encrease their taxes, and disband all their troops,
 ' excepting what are absolutely necessary to keep
 ' up their garisons. Their fleet lies in their har-
 ' bours in a very bad condition, and requires
 ' more money than they can furnish to rig it out.
 ' Besides, Sir, whoever considers the situation of
 ' their country will easily see, that it would at this
 ' time have been extreamly dangerous to herself,
 ' had she acted for an interest separate from that
 ' of *France*. The *French* have a fine army on
 ' foot, which they can with almost no expence
 ' or danger march down into *Holland*. Thus we
 ' might in a short time have seen these provinces
 ' again in danger of falling into the hands of
 ' *France*. For, Sir, give me leave to observe,
 ' that affairs are of late very much altered in that
 ' part of the world. Formerly the *French*, in case
 ' they

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‘ they made any attack upon *Holland*, were sure
 ‘ of drawing the Emperor upon their backs, it be-
 ‘ ing absolutely inconsistent with his interest that
 ‘ they should ever have any footing there. But
 ‘ now, Sir, the Emperor is no longer in a condi-
 ‘ tion to give any diversion that way. His own
 ‘ army and finances are in the utmost disorder by
 ‘ his late unsuccessful campaigns against the *Turks*,
 ‘ and he has not forces sufficient to cover his own
 ‘ dominions on the side of *Hungary*. The other
 ‘ powers in *Europe*, who may be inclinable to pre-
 ‘ vent such an attempt, lie at too great a distance,
 ‘ and have too strict engagements with *France*,
 ‘ for us to expect any diversion from that side.
 ‘ Thus, Sir, if we argue upon the principles of
 ‘ reason, if human foresight can determine any
 ‘ thing, if the strongest probability is to have any
 ‘ weight, it must have been impolitick and impru-
 ‘ dent in us to have hazarded a war, so long as
 ‘ we had any prospect of concluding an honoura-
 ‘ ble peace.

‘ I shall now beg leave, Sir, to consider what
 ‘ effect a precipitate declaration of war must have
 ‘ had at home. In the first place, Sir, our whole
 ‘ trade to *Spain* must have sunk at once; our trade
 ‘ to *Portugal* must have been greatly embarrassed;
 ‘ and that to *America* very much endangered. I
 ‘ shall not insist, Sir, at present, on the great ad-
 ‘ vantages arising to this nation from each of these
 ‘ branches of commerce. Gentlemen cannot have
 ‘ forgot what passed on this subject last session;
 ‘ but, Sir, I shall suppose that the administration
 ‘ had joined at that time in the popular outcry for
 ‘ war; let us suppose that a vigorous war was actu-
 ‘ ally entered into; can any gentleman say that
 ‘ this would have stopt the mouths of those who
 ‘ are resolved to find fault at any rate? In such an
 ‘ event, may we not easily imagine to ourselves
 ‘ that we hear a violent *opposition-man* declaiming

' on the benefits of peace; telling the world that
 ' a trading people ought by all manner of means
 ' to avoid war; that nothing is so destructive to
 ' their interests, and that any peace is preferable,
 ' even to a successful war? Behold (might he ar-
 ' gue) the *Spaniards* have offered fair and reason-
 ' able terms. They have even offered to indemni-
 ' fy our merchants for the losses they have sustain-
 ' ed. They have offer'd an amicable meeting to
 ' adjust all points in difference; they have offered
 ' to come into all reasonable terms; yet our mi-
 ' nistry, rather than listen to what might have
 ' proved so beneficial to the nation, has *blundered*
 ' into an expensive and hazardous war.

' This, Sir, I own would have been *blundering*,
 ' and those gentlemen, for once in their life-time,
 ' in such an event, would have applied that term
 ' right. It requires no great art, no great abilities,
 ' in a minister to pursue such measures as might
 ' make a war unavoidable. That is a very easy
 ' matter; but, Sir, how many ministers have you
 ' had in *England*, who knew the art of avoiding
 ' war by making a safe and an honourable peace?
 ' How many Kings, Sir, have you had in this
 ' nation, who knew how to make choice of such
 ' ministers? If those gentlemen who are very fond
 ' of parallels desire to know what figure *England*
 ' makes in the affairs of *Europe* at present, when
 ' compared with the figure which she made in for-
 ' mer times, let them dip into the history of *England*
 ' under King *James I.* a reign famous for negotia-
 ' tions and treaties: Let them then compare, Sir,
 ' the insolence of *Spain* at that time, with what it
 ' is now: Let them compare the resentment we
 ' then shew'd, with the manner in which we have
 ' borne their late treatment. If any gentleman,
 ' Sir, will do this, and do it impartially, he will
 ' find that the very worst treaty made under his
 ' present Majesty is more advantageous, and more
 ' honourable

‘ honourable to the nation, than the best that was
‘ made under that long pacifick reign. Gentlemen
‘ will perhaps be apt to imagine that the parallel
‘ ought to be run with the days of Queen *Eliza-*
‘ *beth*, rather than with those of King *James*. But,
‘ Sir, as I observed before, that is a very false de-
‘ lusive way of reasoning. So many circumstances
‘ concurr’d to raise the reputation of that Princess,
‘ that it is next to impossible they should ever a-
‘ gain meet in one person, and at the same time.
‘ She had to do with neighbours, every one of
‘ which was of a different interest from another:
‘ By artfully fomenting their differences it was easy
‘ for her to keep the balance of power in her own
‘ hand. The many open and secret attempts made
‘ by traitors at home upon her life and crown, en-
‘ deared her person to her subjects; and her mi-
‘ nistry, who found their own interests inseparably
‘ connected with hers, run all risques in her ser-
‘ vice. It is true, Sir, they were great and wise
‘ men, and they served a great and wise Mistress.
‘ But still, Sir, give me leave, to say, that a great
‘ deal of the amazing success that attended her
‘ reign was owing to fortune. Had not the winds
‘ and waves fought more effectually for her at the
‘ time of the *Spanish* invasion than her sailors and
‘ soldiers, though it must be own’d, they were
‘ very brave men, I am afraid the glories of her
‘ reign must have been tarnish’d, and her memory
‘ transmitted to posterity, not as a wise and pru-
‘ dent Princess, but a rash and a headstrong wo-
‘ man. The world, Sir, is very apt to judge of
‘ measures and characters by events, and as events
‘ depend on fortune, it is the part of a wise mi-
‘ nister to leave as little as possible to fortune.
‘ Too much must be left to her, even in the most
‘ cautious manner a minister can act. In the ne-
‘ gotiation we are now considering, Sir, had we
‘ acted in any other manner than we have done,

‘ we must in effect have left every thing to fortune, since all the reparation we are to expect, by any other means than those of negotiation, depends on a thousand accidents, and is liable to a thousand disappointments. Therefore, give me leave to say, Sir, that the success which one ministry has met with from the favour of fortune, is no reason why another ministry should tread the same dangerous and uncertain paths, especially when they can compass the same ends by the more safe and more certain way of negotiation.

‘ Upon the whole, Sir, I will venture to say, that this negotiation has been the best conducted, and the most happily finish’d, of any upon the records of the kingdom. For we have not left the payment of our merchants to the arbitration of commissaries, or plenipotentiaries; we have not accepted of an order upon any of their chambers in *Spain*, but we have expressly ty’d down the King of *Spain* himself; we have obtain’d his great seal as a security for their payment; and so tender was his Majesty of his subjects property, that his ministers refused to enter into any negotiation relating to this affair, till such time as reparation for the losses of our merchants was fully and expressly stipulated. Such an express and full stipulation, Sir, is obtain’d, to the great confusion, I believe, and disappointment of some amongst us, who, rather than not see their country involved in war, would be content that she were involved in calamities, and embroiled with every one of her neighbours. These dispositions, Sir, are more dangerous to the interests of *England* than all the force that *Spain* can raise; and it must be owing to these dispositions, if the endeavours of his Majesty for the peace and happiness of this nation are render’d ineffectual. As yet, Sir, we may thank Heaven they had no other

‘ther effect than to unite the friends of our
 ‘most happy establishment more firmly together; and, while they continue united, I hope
 ‘the efforts of malice and faction will be always disappointed.

‘Having thus, Sir, taken a view of the consequences that must have attended our pursuing any other measures than those that are pacifick, and endeavoured to obviate some of the most general topicks of declamation amongst the disaffected, I shall crave your indulgence but for a few words more. There is no subject so common in the mouths of some gentlemen, as a tenderness and regard for the trade of the nation. This, Sir, serves them in a double capacity, either for or against peaceable measures, If the government is for pacifick measures, if the negotiations of the ministry are attended with the desired success, the trade of the nation, according to these gentlemen, is tamely given up, and we are meanly truckling to an insolent rival, who will undoubtedly enlarge her demands in proportion as we advance in our concessions. This, Sir, has of late been the whole language of the party. Again; if the same gentlemen shall see that the government is resolved to act vigorously, that they intend to strike a bold stroke, then their language alters; the ministry then ought to have forborn, they ought to have gone on a little longer in the way of negotiation, rather than to have risked the advantages which the nation reaps by an open and uninterrupted trade with *Spain*. So that, Sir, it is absolutely impossible for a minister, even though he alters his conduct, to reconcile them to his measures. I don’t speak this merely from supposition, I speak it from experience. I remember the time very well, Sir,

‘ when our court was for a war with *Spain*, and
 ‘ when a good many arguments, that are now
 ‘ in the mouths of the gentlemen in the opposi-
 ‘ tion, were strenuously advanc’d by the friends
 ‘ of the ministry. I own, Sir, that at that
 ‘ time I was far from thinking a war with *Spain*
 ‘ expedient, I was far from approving the mea-
 ‘ sures pursued by the ministry; but I have not
 ‘ the happiness of having the gentlemen who
 ‘ were then of my way of thinking, to agree
 ‘ with me upon this occasion. I have the satis-
 ‘ faction, however, of being conscious that I
 ‘ act uniformly, whether I am in the opposition
 ‘ or in the ministry. I have the satisfaction of
 ‘ being conscious that I never was so determi-
 ‘ nately attach’d to an opposition, or to any par-
 ‘ ty, as to continue always in that opposition,
 ‘ always in that party, even after the measures
 ‘ I found fault with were altered agreeably to
 ‘ my own profess’d way of thinking. I know,
 ‘ Sir, that some gentlemen have laid it down as
 ‘ a settled maxim, that the ministry can never
 ‘ be in the right, and therefore that they them-
 ‘ selves can never be in the wrong, because they
 ‘ are obstinately resolved to oppose the ministry
 ‘ in every thing. This, Sir, is a dangerous
 ‘ way of thinking and acting; it deprives a good
 ‘ ministry of the pleasure of doing all the ser-
 ‘ vice to their country that they otherways
 ‘ would, and renders a wicked one more irre-
 ‘ claimable and more desperate.

‘ I am afraid, Sir, that too much of this hu-
 ‘ mour appears at present in the opposition,
 ‘ which this address without the amendment has
 ‘ met with. Gentlemen have been pleas’d to
 ‘ treat the speech as the language of the mini-
 ‘ stry, not of the crown. Sir, I won’t differ
 ‘ much with gentlemen in this point, I shall ve-
 ‘ ry readily admit it to be the speech of the mi-
 ‘ nistry,

‘ nistry, but yet I don’t see why it should on
‘ that account meet with any disregard, since it
‘ received the approbation of his Majesty, and
‘ since you yourselves heard him recommend the
‘ contents of it from the throne. I shall sup-
‘ pose, Sir, that a Royal Proclamation were to
‘ be issued out, tending to discourage some pre-
‘ vailing abuse, or offering a reward for appre-
‘ hending some notorious malefactor or traitor :
‘ we all know that this Proclamation runs in
‘ his Majesty’s name, and that it was drawn up
‘ by his ministry, or perhaps their servants or
‘ officers. Now, Sir, I should be glad to know
‘ of any gentleman, if it would be a dutiful
‘ way of acting, if he should take this Procla-
‘ mation in his hand and say, “ This is the
“ work of the minister, I don’t believe his Ma-
“ jesty knows any thing at all of the matter ;
“ therefore I’ll go on in my old way, I’ll have
“ no manner of regard to it.” Sir, if such a
‘ way of reasoning were to prevail, we should
‘ soon see an end of all government, all order,
‘ all society : People would soon proceed, from
‘ treating Proclamations, to treat acts of Par-
‘ liament in the same manner, till every man
‘ thought himself at liberty to act as he pleas’d.

‘ But it is somewhat very surprizing, Sir, that
‘ this address should meet with such opposition ;
‘ for I don’t see any thing in it that can in the
‘ least preclude gentlemen from making what
‘ objections they please to the convention when
‘ it shall be laid before them. We thank his
‘ Majesty for the success of his royal endeavours
‘ in concluding a convention, whereby repara-
‘ tion is obtain’d for his injur’d subjects, and
‘ plenipotentiaries appointed for regulating all
‘ those grievances that have hitherto interrupt-
‘ ed our commerce and navigation, and for re-
‘ moving all future causes of complaint. Are
‘ not

‘ not all these very desirable consequences of a
 ‘ negotiation? Is not reparation for past injuries
 ‘ one of the two points we have always insisted
 ‘ on? And what can be more done towards ob-
 ‘ taining security against future encroachments
 ‘ than to remove all future causes of complaints
 ‘ by proper regulations? But, say gentlemen,
 ‘ this is only referred to plenipotentiaries, where-
 ‘ as it ought to have been positively insisted up-
 ‘ on, as a foundation to all future negotiations
 ‘ upon that subject, that the *Spaniards* had no
 ‘ right whatsoever to search our ships upon the
 ‘ open seas. Really, Sir, no gentleman in this
 ‘ house should have been better pleased than I,
 ‘ had the *Spaniards* thought fit to have given up
 ‘ this point by a clear and positive renunciation.
 ‘ But when two people treat upon an equal foot,
 ‘ I believe gentlemen will find it very hard to
 ‘ produce any instance, wherein one party could
 ‘ be brought to give an absolute renunciation
 ‘ of a point, which they once insisted on as their
 ‘ right, and to give such a renunciation too,
 ‘ even before it was so much as examin’d into,
 ‘ whether they had such a right or not. The
 ‘ *Spaniards* have usurp’d a claim of searching
 ‘ our ships for many years past; for many years,
 ‘ Sir, before the present august Family came to
 ‘ the throne; for many years before I was con-
 ‘ cerned in publick affairs: And we are to ima-
 ‘ gine, Sir, that they are to give up this claim
 ‘ by a positive renunciation, even before we give
 ‘ them any reason why it ought to be abolish’d?
 ‘ I say, Sir, are we to imagine that the *Spaniards*
 ‘ will do this, a people who are obstinately fond
 ‘ of power, and even of the shadow of it? A
 ‘ people scrupulously attach’d to formal enqui-
 ‘ ries and discussions? We never were yet able,
 ‘ Sir, notwithstanding the low circumstances
 ‘ they have been often reduced to, to obtain
 ‘ from

‘ from them an ample positive renunciation of
‘ their right to the dominions we conquer’d from
‘ them in *America*; and can we pretend to
‘ oblige them implicitly and blindly to re-
‘ nounce a claim which they have long pos-
‘ sels’d, and which, perhaps, they themselves,
‘ from this long possession of it, think to be
‘ just? Let gentlemen lay their hands upon their
‘ hearts, and ask themselves, if it was reason-
‘ able to believe that they could be brought to
‘ yield to such a step. I do not know, Sir, if
‘ after a war successfully carried on by us, we
‘ could have made them yield to any treaty to
‘ which a positive renunciation was to be the
‘ preliminary. At least, Sir, I remember to
‘ have read, that notwithstanding their being re-
‘ duced to the lowest, the most despicable cir-
‘ cumstances, at the time the *American* treaty,
‘ was concluded; yet all the art, all the threat-
‘ ning, all the representations of our court and
‘ ministry at that time, could not induce them
‘ to confirm our right to *Jamaica*, by a positive
‘ renunciation of that Island in our favour.
‘ How unreasonable then is it in gentlemen to
‘ expect, that *Spain* would have hearken’d to any
‘ accommodation, where it was laid down as a
‘ preliminary, that she should give up a claim
‘ which she had immemorially possess’d, and
‘ which she look’d upon, perhaps, as absolutely
‘ necessary to the preservation of her interest
‘ in *America*!

‘ Thus, Sir, I have, I hope, set this impor-
‘ tant objection in a clear light. I don’t know
‘ what effect it may now have upon gentlemen;
‘ but the reasons I have given against the pe-
‘ remptory method of proceeding had such a
‘ weight with me, that I did not make the least
‘ difficulty in agreeing to this convention. Sir,
‘ I will venture to say, that when it was con-
‘ cluded,

‘ cluded, I thought it my happiness that the
‘ kingdom would look upon the influence I have
‘ in the government as one of the principal means
‘ that brought it about. Nay, I should not be
‘ sorry if it was look’d upon as a measure entirely
‘ my own. But, Sir, whether this convention is
‘ a good or a bad measure, a few days will deter-
‘ mine. Whatever judgment this house may
‘ think fit to pass upon it, I hope the address,
‘ as mov’d for without the amendment, will meet
‘ with no opposition. We have great reason to
‘ believe that this convention is for the honour
‘ and interest of the nation; we have as yet no
‘ reason to believe the contrary, and therefore no
‘ reason to oppose this address. Last session, Sir,
‘ I remember that I undertook to be answerable
‘ for the measures which the government shall
‘ pursue while I have the honour to be a minister.
‘ I am prepared to make good my promise. I
‘ desire no more than a fair hearing, and this I
‘ hope will not be deny’d me. But, Sir, if gen-
‘ tlemen should, by agreeing to the amendment,
‘ raise a prejudice without doors against the con-
‘ vention, and perhaps raise such a ferment as
‘ may, in the event, give themselves great un-
‘ easiness, many gentlemen, I know, otherwise
‘ friends of the ministry, would be sorry to find
‘ themselves instrumental in heating the people to
‘ such a degree, as to admit of no reasoning upon
‘ this subject, and thereby render a war unavoida-
‘ ble. This, Sir, I am afraid would be the con-
‘ sequence of our agreeing to this amendment,
‘ and is a consequence every man who under-
‘ stands, and desires to promote the interest of
‘ his country, wishes to see avoided.’

He

He was answered by *George Lyttleton*, Esq; the purport of whose speech was thus :

‘ Mr. Speaker,

‘ Sir, Though I have generally the misfortune Mr. Lyttleton's speech.
 ‘ to differ with the right honourable gentleman
 ‘ who sits over-against me, in my sentiments with
 ‘ regard to publick affairs, yet I readily agree with
 ‘ him in the first part of his speech. The right
 ‘ honourable gentleman said, that posterity would
 ‘ judge of the figure which *England* makes in the
 ‘ affairs of *Europe*, from her behaviour at this
 ‘ juncture. Sir, there is no doubt that, if we
 ‘ have entered into a scandalous negotiation with
 ‘ *Spain*, posterity will think that we have a very
 ‘ weak ministry. But let the late negotiations
 ‘ that have been carried on with that court be
 ‘ never so honourable for this kingdom, I am
 ‘ afraid posterity will not be persuaded, that we
 ‘ are at present blessed with a very firm disinte-
 ‘ rested ministry. Taking the right honourable
 ‘ gentleman's account of this negotiation to be
 ‘ genuine, and that we have made a safe and an
 ‘ honourable convention, I believe posterity will
 ‘ be apt to enquire by what means, by whose ma-
 ‘ nagement, the reputation and power of this na-
 ‘ tion were sunk so low as to be forc'd, after suf-
 ‘ fering a series of insults and injuries during al-
 ‘ most twenty years, to think herself happy in
 ‘ procuring common justice to her subjects from a
 ‘ power always found inferior to her own. Poste-
 ‘ rity, I am afraid, Sir, will be at a loss to ac-
 ‘ count for the management that reduc'd *Great*
 ‘ *Britain* so low as to be oblig'd even, before she
 ‘ could obtain this bare piece of justice, to fit out
 ‘ a fleet at a vast expence, to send this fleet
 ‘ abroad, to keep it lying on the *Spanish* coasts,
 ‘ and, at last, to take up with a convention,
 ‘ wherein

' wherein no regard has been had to all this vast
 ' expence, and not a shilling stipulated to defray
 ' it. Sir, I think that when the honourable gen-
 ' tleman was displaying his impartiality and can-
 ' dour, he should have favour'd the house with
 ' his thoughts in what manner posterity will ac-
 ' count for all these circumstances, without taking
 ' it for granted, that some part of the blame lies
 ' at the door of our ministry.

' The same right honourable gentleman, in
 ' stating his arguments against the amendment,
 ' said, that all history could not furnish an in-
 ' stance wherein a people not only own'd them-
 ' selves in the wrong, but actually paid damages.
 ' I cannot say, Sir, that I can at present bring
 ' particular facts and parallels to disprove this as-
 ' sertion, but I dare say there is no gentleman ever
 ' so little versed in history, who does not know
 ' that there is nothing more common than for
 ' one nation to indemnify another for the expence
 ' of a war, or even the preparations of a war.
 ' Let us consider, Sir, how either of these cases
 ' differs from what lately was the case betwixt us
 ' and *Spain*. We were not, it is true, in a state
 ' of open war; so far from it, that the *Spaniards*
 ' were, during the time of their most violent
 ' depredations, our faithful allies; we caress'd
 ' them, and they were so very obliging to us,
 ' that they accepted of all the offices of friend-
 ' ship and kindness, which we so profusely heap'd
 ' upon them. They were even so civil as to
 ' accept of our assistance in placing a Son of their
 ' Family upon the throne of an independent king-
 ' dom; but in the mean time they took care not
 ' to give us one opportunity of shewing our com-
 ' plaisance in the same manner. I need not de-
 ' scend into particulars; gentlemen, I dare say,
 ' have not forgot what was prov'd at the bar of
 ' this house last session; they have not forgot
 ' the

‘ the inhumanities and insults practised on the
‘ subjects of this nation by this haughty neigh-
‘ bour. Now, Sir, will the right honourable
‘ gentleman say, that because the barbarities and
‘ injuries of the *Spaniards* were committed at a
‘ time when we were not only at peace with
‘ them, but shewing them the most excessive
‘ marks of friendship, therefore it was unpre-
‘ cedented that they should make any pecuniary
‘ acknowledgments for our real damages? Will
‘ he pretend that our ministers, for that same rea-
‘ son, ought not to have insisted on having some
‘ reparation for the injuries our sailors have re-
‘ ceived in their persons, and some satisfaction for
‘ the wounded honour of this kingdom? Let us
‘ suppose, Sir, that we had shewed our resent-
‘ ment by repelling force by force, and that we
‘ had, as we ought to have done, enter’d imme-
‘ diately into a vigorous war. We shall suppose,
‘ Sir, that an accommodation was set on foot,
‘ and plenipotentiaries on both sides appointed.
‘ I shall, in that case, appeal to every gentleman,
‘ who knows the least either of the history of his
‘ own or any other country, if the *Spaniards*
‘ could have objected to us, that our being in-
‘ demnify’d, not only for our preceding damages,
‘ but even for our expences of the war, was un-
‘ usual and unprecedented. It is a claim that is
‘ made almost in every negotiation that follows
‘ upon a war, and is commonly admitted. Now,
‘ Sir, if this is the case, what becomes of the
‘ extraordinary merit of this negotiation in ob-
‘ taining this boasted reparation for our merchants
‘ damages? I am afraid, Sir, posterity will think
‘ we are so far from having obtain’d what we
‘ could not have expected, that we have not ob-
‘ tain’d what we might have justly claim’d. If
‘ we were not at war with *Spain*, Sir, during all
‘ these transactions, it is so much worse for our
‘ nego-

‘ negotiators; for that is the very reason, Sir,
 ‘ why our claims ought to have been the more
 ‘ extensive, and our satisfaction the more ample.

‘ However, Sir, I entirely agree with the ho-
 ‘ nourable gentleman when he said, that if we
 ‘ look over all the histories of *Europe*, we shall
 ‘ not find one people paying damages to another
 ‘ in the manner (the honourable gentleman must
 ‘ mean) stipulated by this convention. I believe
 ‘ we shall not, Sir; because if we look over all
 ‘ these histories, we shall not find any parallel to
 ‘ this convention itself. We shall not find that
 ‘ any people, without shewing the least resent-
 ‘ ment, but in the memorials of their ministers,
 ‘ have tamely for so long a time borne such treat-
 ‘ ment, and that their ministry were at last satis-
 ‘ fied with a convention, wherein no more than
 ‘ bare reparation for the real damages of their sub-
 ‘ jects was stipulated. His Majesty, indeed, has
 ‘ told us in his speech, that plenipotentiaries are
 ‘ to meet and settle every thing upon the foot of
 ‘ treaties subsisting betwixt the two crowns. Is
 ‘ this, Sir, so mighty a point gain’d, that we are
 ‘ to treat with *Spain* upon an equal foot? The
 ‘ simple consideration of this, Sir, is, in my opi-
 ‘ nion, a full answer to all the right honourable
 ‘ gentleman has advanc’d. He has allow’d that
 ‘ our wrongs have been very great, and he says
 ‘ that our satisfaction ought to be adequate to our
 ‘ wrongs.

‘ Now, Sir, as it is undoubted that we have
 ‘ suffered greatly, I own that I don’t think my-
 ‘ self at liberty to approve, in any shape, of the
 ‘ measures that have been pursued for obtaining
 ‘ us satisfaction, till my judgment is sufficiently
 ‘ informed, that these measures have been both
 ‘ expedient and successful. When the conven-
 ‘ tion shall be laid before us, if it then appears
 ‘ that the nation has received ample satisfaction
 ‘ for

‘ for her losses and injuries, I shall be willing to
 ‘ vote not only for a zealous address of thanks
 ‘ to his Majesty, but that the thanks of this
 ‘ house shall be return’d to his ministers. But,
 ‘ Sir, at present I can challenge any gentleman
 ‘ to shew, from the speech we have heard, that
 ‘ the nation has by this convention obtain’d one
 ‘ concession in favour of her trade and naviga-
 ‘ tion, excepting that *Spain* is willing to treat.
 ‘ A very great concession indeed!

‘ I cannot take my leave of this subject, Sir,
 ‘ without making some observations upon what
 ‘ fell from the right honourable gentleman, with
 ‘ regard to what he said of the reign of King
 ‘ *James I.* That reign was the poorest, the
 ‘ weakest, and the most disgraceful to the *British*
 ‘ annals, of any that we have upon record: And
 ‘ what have they to answer for, Sir, who have
 ‘ reduced this reign so low as to admit of a pa-
 ‘ rallel with that of King *James I*? This con-
 ‘ vention, Sir, from all we yet know of it, may
 ‘ one day swell the charge against those who
 ‘ have brought us to this pass; and, till I am
 ‘ more thoroughly acquainted with its real me-
 ‘ rits, I am entirely against taking any notice of
 ‘ it at all.’

And after him by Sir *John Hynd Cotton*, who,
 among other things, said as follows:

‘ Mr. Speaker,

‘ Sir, I should be glad if the right honourable Sir John Hynd Cotton's speech.
 ‘ gentleman, who spoke last against the amend-
 ‘ ment, would inform the house what greater
 ‘ security we have for the performance of this
 ‘ convention, than we have had for the perfor-
 ‘ mance of every treaty we have for these twen-
 ‘ ty years past entered into with *Spain*. I speak
 ‘ this upon the supposition that the convention is

' in our favour, and that it answers all the
 ' just demands of the kingdom. The right ho-
 ' nourable gentleman said, indeed, that we had
 ' now obtain'd the great seal of *Spain*. Really,
 ' Sir, I believe the great seal of *Spain* to be a
 ' very pretty thing; I believe we have obtain'd
 ' somewhat that may do very well to divert a
 ' boy or a girl; but I don't see how the great
 ' seal of *Spain* can be any greater security to us
 ' for the preservation or recovery of our rights,
 ' than what we had before by the treaties in force.
 ' Was not the great seal of *Spain* affix'd to all
 ' these treaties, Sir? Do we find that the *Spaniards*
 ' pay any regard to it? And has the right honour-
 ' able gentleman given the house any one reason
 ' why we should believe that they will pay any
 ' regard to this convention, supposing it is in our
 ' favour? Therefore, Sir, till I am informed in
 ' what manner the rights of this nation are better
 ' secur'd by this convention than they were by
 ' former treaties, I must be for the amendment.'

And by Sir *John Barnard*, who spoke thus:

Sir *John*
Barnard's
 speech.

' Mr. Speaker,
 ' Sir, I shall not detain the house, late as it now
 ' is, in entering very far into the merits of this
 ' convention; but I cannot help observing that it
 ' seems to me to be a very extraordinary measure.
 ' All I can find that has been done by it, Sir, is a
 ' sum of money obtain'd for our private merchants.
 ' Every thing else is referred to a future discussion,
 ' whose event is very uncertain. It is true, Sir,
 ' that this address, as it stands without the amend-
 ' ment, seems to point out, it gives at least some
 ' hints, Sir, of what will be the business of these
 ' gentlemen the plenipotentiaries when they meet.
 ' It is there said, Sir, that they are appointed for
 ' regulating grievances and abuses. I have many
 ' times

‘ times heard of *removing* grievances, but I think
 ‘ this the first time I have met with such an ex-
 ‘ pression as *regulating* them. The regulation of
 ‘ grievances must imply, Sir, that some conveni-
 ‘ ency attends them, and therefore it is proper
 ‘ they should exist, provided they are regularly im-
 ‘ posed. Therefore, Sir, I own that I cannot con-
 ‘ sent to our inserting any such expression in an
 ‘ address from this house to the throne.’

For understanding the following debate, we must give the reader the following extract from the Votes of the house of Commons, *viz.*

Resolutions
and motions
in the house
of Commons
relating to
the conven-
tion.

Resolved,

That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies of all representations, memorials or petitions, made to his Majesty, or his secretaries of state, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house.

Resolved,

That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies of all representations, memorials or petitions, made to the commissioners for executing the office of Lord High Admiral of *Great Britain*, or commissioners for trade and plantations, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before the house.

Resolved,

That an humble address be presented to his Majesty, that he will be graciously pleased to give di-
 ‘ rections,

rections, that there be laid before this house, copies or extracts of any letters from any of the *British* governors in *America*, his Majesty's minister in *Spain*, and consuls in *Europe*, to the secretaries of state, commissioners for executing the office of Lord High Admiral of *Great Britain*, or commissioners for trade and plantations, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects, by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house.

Resolved,

That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies or extracts of any letters from any commander in chief or captains of his Majesty's ships of war, to the secretaries of state, commissioners for executing the office of Lord High Admiral of *Great Britain*, or commissioners for trade and plantations, relating to any losses sustained by his Majesty's subjects, since the treaty of *Seville*, by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house.

A motion was made, and the question being proposed, That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies or extracts of all letters written, and instructions given by the secretaries of state, or commissioners for executing the office of Lord High Admiral of *Great Britain*, to any of the governors of the *British* plantations in *America*, or any commander in chief or captains of his Majesty's ships of war, or his Majesty's minister in *Spain*, and consuls in *Europe*, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards*

in

in *Europe* or *America*, which have not already been laid before this house;

The journal of the house of the 10th day of *March*, in the last session of Parliament, relating to the latter part of the resolution of the house, for addressing his Majesty, that he would be graciously pleased to give directions, that there might be laid before the house, copies of the several representations, memorials or petitions, and copies or extracts of the several letters and instructions therein mentioned, was read.

Then the question being put, That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies or extracts of all letters written and instructions given by the secretaries of state, or commissioners for executing the office or Lord High Admiral of *Great Britain*, to any of the governors of the *British* plantations in *America*, or any commander in chief or captains of his Majesty's ships of war, or his Majesty's minister in *Spain*, and consuls in *Europe*, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house;

It passed in the negative.

A motion was made, and the question being proposed, That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies or extracts of such memorials or representations, as have been made either to the King of *Spain* or his ministers, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house;

The journal of the house of the 5th day of *May* 1713, in the 12th year of the reign of *Queen Anne*, relating to the resolution of the house, for addressing her Majesty, that she would be pleased to give directions, that the instructions and orders therein mentioned might be laid before this house, was read.

Then the question being put, That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies or extracts of such memorials or representations, as have been made either to the King of *Spain* or his ministers, since the treaty of *Seville*, relating to any losses sustained by his Majesty's subjects by depredations committed by the *Spaniards* in *Europe* or *America*, which have not already been laid before this house;

It passed in the negative.

Debate upon
these mo-
tions.

These resolutions were all moved for by Mr. *Sandys*; and agreed to without opposition; but upon the two motions, which were likewise made by him, there were long debates; in which the said Mr. *Sandys* spoke in substance as follows, viz.

‘ Mr. Speaker,

Mr. *Sandys*'s
speech.

‘ Sir, As his Majesty, in his speech from the throne, acquainted us, that the treaty or convention lately concluded with *Spain*, would be laid before us in this session of Parliament, and as we must presume, that when it is laid before us and taken into consideration, some sort of proposition or motion will be made, either for approving or disapproving of that treaty, we ought therefore to have every thing laid before us that may any way relate to it, or to the long negotiation that was carried on for bringing it about. When I say so, Sir, I do not mean that we are either to approve or disapprove of any thing that has been
‘ done

‘ done by his Majesty : In all such cases we are to
‘ look upon what has been done, as done by his
‘ Majesty’s ministers, and their doings we may
‘ censure, we may condemn, we have often too
‘ good reason to condemn. What may be the
‘ fate of this convention, or what fate it may de-
‘ serve to meet with in this house, I shall not now
‘ pretend to determine; but that we may neither
‘ justify nor condemn, applaud nor censure, with-
‘ out a good reason, I think it is absolutely neces-
‘ sary for us to know, how matters stand, at pre-
‘ sent, between us and *Spain* : What are the chief
‘ causes of the disputes that have so long subsisted
‘ between the two nations: And what measures
‘ have been taken for clearing up or putting an
‘ end to those disputes.

‘ For this purpose, Sir, it is certainly as necessa-
‘ ry for us to see the letters and instructions sent
‘ to the governors of our plantations, or to any
‘ commander in chief, or captains of his Majesty’s
‘ ships of war, especially such of them as have been
‘ stationed in the *West-Indies*, relating to the *Spa-
‘ nish* depredations, as it is for us to see the letters
‘ received from them; and as you have already
‘ resolved to address for the latter, if you act con-
‘ sistently, you must resolve to address for the for-
‘ mer likewise; for it will be impossible to under-
‘ stand or comprehend fully the meaning of those
‘ letters that have been received from them, with-
‘ out having at the same time before you, the let-
‘ ters and instructions sent to them, relating to the
‘ depredations committed by the *Spaniards*. Nay,
‘ it must be allowed, that it is more necessary for
‘ us to see the letters and instructions that have
‘ been sent, than to see the letters that have been
‘ received; for it is not the conduct of our gover-
‘ nors or commanders, it is the conduct of our
‘ ministers that must, upon the present occasion,
‘ be the subject of our enquiry; and their conduct

‘ can appear only from the letters and instructions
‘ they have sent.

‘ As the *Spaniards*, Sir, have of late years set up
‘ several unjust claims against us, as they have un-
‘ der colour of those claims, for several years,
‘ without intermission, committed great depreda-
‘ tions upon our merchants, and as our ministers
‘ could not but foresee, that in their way of nego-
‘ tiating, it would be a long time before the dis-
‘ putes between the two nations could be adjusted
‘ by treaty, it was incumbent upon them to send,
‘ in the mean time, such instructions to our gover-
‘ nors and commanders in the *West-Indies*, as were
‘ most proper for preventing any new depredation;
‘ because every new depredation that was commit-
‘ ted, was not only a new insult put upon the
‘ crown of *Great Britain*, and a new loss to our
‘ merchants, but it was also a new difficulty thrown
‘ in the way of their negotiation; for surely they
‘ were not so short-sighted as not to foresee, that
‘ the higher our demands rose, the more difficult
‘ they would find it to obtain redress by peaceable
‘ methods. It was therefore their duty to send
‘ such instructions to the governors of our planta-
‘ tions, and to the chief commanders or captains
‘ of his Majesty’s ships of war, stationed in those
‘ parts, as might prevent any of our merchant-
‘ ships falling into the hands of the *Spanish Guar-*
‘ *da Costa’s*; but whether they have performed, or
‘ failed in their duty, in this respect, can be known
‘ only by seeing the letters or instructions they
‘ have sent: We can get no proper insight into it,
‘ from any of the letters they have received.

‘ Then, Sir, as to the letters and instructions
‘ given to his Majesty’s minister at the court of
‘ *Spain*, and consuls in *Europe*, relating to any
‘ losses sustained by his Majesty’s subjects, by de-
‘ predations committed by the *Spaniards*, in *Eu-*
‘ *rope* or *America*, we have already resolved to
‘ address

‘ address for the letters received from them upon
‘ that subject; which shews that we think it
‘ necessary for us to see those letters upon this oc-
‘ casion; but I should be glad to know, what
‘ use we can make of the letters received from
‘ them, unless we have at the same time before
‘ us, the letters and instructions sent to them:
‘ The former must necessarily relate to the latter,
‘ and therefore it is impossible to understand, or
‘ make any thing of the former, without seeing
‘ the latter. For my own part, I shall not be at
‘ the pains to peruse, or so much as look into any
‘ of the letters we have resolved to address for,
‘ unless I have at the same time an opportunity of
‘ seeing the letters and instructions now proposed
‘ to be addressed for; and I must suspect that
‘ those who are against the resolutions now pro-
‘ posed, are conscious that some false step or
‘ wrong measure will appear from a full view of
‘ this correspondence, and that therefore they
‘ have a mind to baffle the effect of the reso-
‘ lutions we have come to, by getting a nega-
‘ tive put upon those resolutions, which, ’tis now
‘ proposed we should come to.

‘ As our ministers abroad, Sir, act only by
‘ the orders and instructions they receive from
‘ hence, their conduct cannot come properly un-
‘ der our consideration, till we have examined in-
‘ to the conduct of those that gave them their or-
‘ ders or instructions, unless it should be said that
‘ they had exceeded their instructions, or not ful-
‘ filled, or disobeyed, the orders they received.
‘ Our first business must therefore be, to examine
‘ into the conduct of those, who gave them their
‘ orders or instructions, and this we cannot do
‘ without seeing those orders and instructions.
‘ Even if it should be said, that they had exceed-
‘ ed or acted contrary to their instructions, it is
‘ what we cannot enquire into, nor form any

judgment of, without seeing those instructions ;
 and therefore, I must think, that in either case,
 it is more necessary for us, upon the present occasion,
 to have laid before us, the letters and instructions sent to his Majesty's minister in *Spain*,
 and consuls in *Europe*, than to have laid before us,
 the letters that have been received from them : For which reason, I cannot but be
 surprized, that any gentleman who agreed to our
 addressing for the latter, should oppose our
 addressing for the former.

Sir, the indignities that have been put upon the crown and flag of *Great Britain*, the insults
 that have been put upon the nation, and the injuries
 that have been done to our merchants and seamen,
 have been so great, so frequent, and so long continued,
 that I am amazed how the affair could continue
 so long in the shape of a negotiation. Considering
 the treatment some of his Majesty's subjects had met with,
 and the dangers our trade lay exposed to, it became
 absolutely necessary for us to make remonstrances
 to the court of *Spain* in the strongest terms,
 and to insist upon a speedy and categorical answer.
 If we had done so, it is hardly possible the affair
 could have remained so long in the shape of a negotiation ;
 it must, long before now, have come to an open rupture,
 or a real, and not a sham definitive treaty ; and therefore,
 I am apt to suspect, that the letters and instructions
 sent to our ministers abroad, have not been such as they
 ought to have been. This, with some gentlemen, may be a
 good reason for not having those letters and instructions
 made public ; but with me, it is a strong, an unanswerable
 reason, for having all those letters and instructions laid
 before this house.

These, Sir, are my reasons for the first resolution I have taken
 the liberty to propose ; and

as

‘ as for the other, it is of such a nature, that
‘ I am surprized how any gentleman can think,
‘ that we can know any thing of the convention
‘ that is to be laid before us, or of the negotiation
‘ that has been carried on for bringing it about,
‘ without seeing the memorials and representations
‘ that have been made to the King of *Spain* or
‘ his ministers, relating to the *Spanish* depreda-
‘ tions. I hope, that, upon our part at least,
‘ there are no secrets between our ministers and
‘ the court of *Spain*, but what may be divulged
‘ to this house, or even to the whole nation:
‘ I hope the memorials and representations drawn
‘ up and sent to *Spain* by our ministers, contain
‘ nothing but a plain representation of our rights,
‘ and of the injuries we have suffered, and an
‘ honest, though peremptory demand of satisfac-
‘ tion, reparation, and security. If this be the
‘ case, the laying them before this house, can be
‘ attended with no bad consequence: It can no
‘ way interrupt the course of our negotiations,
‘ nor can it bring a censure upon any man that
‘ was concerned in drawing them up. If I had
‘ moved for the memorials, representations, or
‘ answers, that had been delivered to his Majesty,
‘ or any of his ministers, in the name, and by
‘ order of the King of *Spain*, it might, perhaps,
‘ have been said, that the laying of such papers
‘ before this house, would interrupt the course,
‘ and might prevent the effect of our peaceable
‘ negotiations; because the court of *Spain* might
‘ from thence draw a pretence, for refusing to
‘ correspond or treat any longer with those, who
‘ could conceal nothing that was wrote or said to
‘ them. Though I do not think there is much
‘ in this argument, and though I am of opinion,
‘ that we ought, upon this occasion, to see even
‘ the memorials, representations, or answers, de-
‘ livered by the court of *Spain*, yet I purposely
‘ avoided

‘ avoided including them in my motion, that
 ‘ there might be no pretence for making an ob-
 ‘ jection against it; for I am sure, the court of
 ‘ *Spain* can have no pretence for taking it amiss,
 ‘ that a *British* Parliament should be allowed to
 ‘ see those memorials and representations that
 ‘ have been drawn up by *British* ministers.

‘ It is not so much as pretended, Sir, that the
 ‘ treaty or convention to be laid before us is a de-
 ‘ finitive treaty. His Majesty, in his speech
 ‘ from the throne, has told us, that it is not
 ‘ a definitive treaty: He has told us, that those
 ‘ grievances and abuses, which have hitherto in-
 ‘ terrupted our commerce and navigation in the
 ‘ *American* seas, and all other disputes between
 ‘ the two nations, except that of reparation to
 ‘ our fellow subjects for their losses, remain yet to
 ‘ be regulated and settled by plenipotentiaries. I
 ‘ wish the only article that is settled, may not ap-
 ‘ pear to have been settled to our disadvantage.
 ‘ But this is not the only thing we are to enquire
 ‘ into, when we come to examine this conven-
 ‘ tion. If the court of *Spain* appeared to be in
 ‘ an humour to give us full satisfaction, with re-
 ‘ spect to all the other matters which they have
 ‘ been allowed of late years to dispute with us,
 ‘ our agreeing to such a preliminary convention,
 ‘ and even our yielding a little with respect to the
 ‘ article that is settled, may, perhaps, be justi-
 ‘ fied: But if, on the contrary, the court of
 ‘ *Spain* appeared to be in no humour to give us a
 ‘ proper satisfaction, with respect to any one of
 ‘ the matters now in dispute between us, con-
 ‘ sidering the danger our trade and navigation
 ‘ lies exposed to, by the unjust, and hitherto un-
 ‘ heard of claim they have set up, of searching
 ‘ our ships in the open seas, it was ridiculous in
 ‘ us to agree to any preliminaries, without having
 ‘ that point first settled to our satisfaction, and
 ‘ still

‘ still more ridiculous to accept of any partial
‘ reparation for the losses our merchants and sea-
‘ men have already sustained by their depreda-
‘ tions. Therefore, when we come to examine
‘ into this convention, the chief point that will
‘ come under our consideration must be, to know
‘ what humour the court of *Spain* seems to be in,
‘ and what we may expect by the delay which
‘ this preliminary convention must occasion; and,
‘ I should be glad to know, how we can form
‘ any judgment as to this point, without seeing
‘ at least those memorials and representations,
‘ which our ministers have thought fit to make to
‘ the King of *Spain* and his ministers; for, from
‘ what his Majesty has told us of the convention,
‘ I am sure we can form no judgment as to this
‘ point, from any article in the convention it-
‘ self.

‘ I do not know, Sir, what some gentlemen
‘ may think his Majesty means by ordering the
‘ convention to be laid before us. Perhaps they
‘ may think, that we ought only to read it over,
‘ and thereupon present a polite address in the
‘ modern way, applauding the wisdom of his
‘ Majesty’s measures, that is to say, the wisdom
‘ of those who advised him to take such mea-
‘ sures. But, I must think, his Majesty does not
‘ mean any such thing. He means, I am sure,
‘ that we should not only read it, but examine it
‘ thoroughly, and that, after we have examined
‘ the whole affair to the bottom, we should give
‘ him our honest and sincere opinion. This, I
‘ am convinced, is what his Majesty means by
‘ ordering the convention to be laid before us;
‘ and this we cannot comply with, till at least all
‘ the papers now moved for be laid before us;
‘ therefore in duty to his Majesty, as well as out
‘ of regard to our own honour, we ought to
‘ agree

‘ agree to the two resolutions I have taken the
‘ liberty to propose.’

The next speech we shall give upon this occasion, is that which was made by Sir *Robert Walpole*, who spoke to the following effect, viz.

Sir *Robert Walpole's*
speech.

‘ Mr. Speaker,

‘ Sir, I believe no gentleman who has the honour to be a member of this house supposes, that we are not to examine into the nature of the convention lately concluded with *Spain*, or that his Majesty intends we should not. I am sure I do not suppose any such thing: On the contrary, I hope, that when it is laid before us, we shall not only examine thoroughly every article of it, but also that we shall examine into the present circumstances of affairs both at home and abroad; which we must do, before we can form a right judgment of the convention his Majesty has agreed to. When the several articles are particularly examined, and all circumstances duly considered, we ought then to give our most sincere opinion and advice to his Majesty; and, from the view I have of our present circumstances, and what I have heard or know of that convention, I believe the opinion of this house will be, that the concluding and ratifying the convention was one of the wisest measures his Majesty could take; and our advice, I doubt not, will be, that his Majesty should proceed upon the foundation laid by that convention, and endeavour by peaceable methods to put an end, by a definitive treaty, to all the disputes now subsisting between the two nations.

‘ I shall grant, Sir, that in order to examine thoroughly into the nature of the convention, and into the circumstances of our affairs both at
‘ home

‘ home and abroad, it will be necessary for us to
‘ have a great many papers laid before us. But
‘ in calling or addressing for papers of any kind,
‘ we ought at all times to be extremely cautious,
‘ especially in calling for papers relating to any
‘ transaction which is not then finally concluded ;
‘ for no man will pretend to say, that it is con-
‘ sistent with good politicks to lay secrets of state,
‘ or papers that contain any such secrets, before
‘ such a numerous assembly. If there were none
‘ present but such as have a right to be here, per-
‘ haps the danger might not be so great: A se-
‘ cret of great importance might, perhaps, re-
‘ main a secret, notwithstanding its being com-
‘ municated to this house ; because, I am per-
‘ suaded, there is no gentleman who has the ho-
‘ nour of having a seat in this house, that would
‘ reveal any thing he thought might tend to the
‘ prejudice of his country: But, as there is al-
‘ ways a great number of persons present that
‘ have no right to be here, some of them, perhaps,
‘ unknown to any member of this house, we can-
‘ not suppose, that any of our proceedings, or
‘ any thing that has been once laid before us, can
‘ be kept secret from foreign courts, especially
‘ from those whose business it is to discover every
‘ thing that passes amongst us.

‘ Let us therefore consider, Sir, that by ad-
‘ dressing for papers relating to an affair then un-
‘ der negotiation between us and a foreign court,
‘ we may lay his Majesty under a very great diffi-
‘ culty: We may either lay him under the neces-
‘ sity of refusing his Parliament what they ask
‘ for, which I am sure he would be loth to do,
‘ which he has never yet done ; or we may lay
‘ him under the necessity of divulging secrets,
‘ which must necessarily disturb the negotiation he
‘ is carrying on, if not entirely prevent its effect.
‘ For this reason, when we find ourselves obliged
‘ to

' to take an affair into our consideration, before
 ' it is brought to a final conclusion, I do not
 ' think it would be a bad politick in this house,
 ' to lay it down as an established maxim, never
 ' to address for any papers upon such occasions,
 ' but to leave it entirely to his Majesty, to order
 ' such papers to be laid before us, as he might
 ' think necessary for giving us a proper light into
 ' the affair, and such as he knew might be safely
 ' communicated.

' To apply what I have said to the case now
 ' before us: It must be allowed, Sir, that the
 ' convention lately concluded with *Spain*, relates
 ' to an affair not yet finally ended. It relates to
 ' an affair now under negotiation between the two
 ' courts; for, I shall readily agree, that the arti-
 ' cles of the convention can at best be called but
 ' a sort of preliminary articles, which are to be
 ' further explained and perfected by a definitive
 ' treaty; and if a satisfactory treaty may be ob-
 ' tained by peaceable means, and in consequence
 ' of these preliminary articles, which no man can
 ' say is impossible, it would be wrong in us to do
 ' any thing, or to call for any paper, which, by
 ' being made publick, might disappoint so good
 ' an effect. Now, as this convention was, as
 ' every preliminary agreement must be, preceded
 ' by a negotiation, some things may have passed
 ' during that negotiation, which the court of
 ' *Spain* would not desire to be made publick,
 ' which they would even look on as a high af-
 ' front, in case they should be made publick. We
 ' know how jealous Princes are even of what is
 ' called the punctilio of honour, we know how
 ' jealous they must always be in this respect; and
 ' therefore we must know, that it is always dan-
 ' gerous to publish the transactions of a negotia-
 ' tion till some time after it has been concluded.
 ' While such transactions remain secret, many
 ' things

‘ things may be said and done by both parties
‘ without much notice, which either party would
‘ think himself in honour obliged to resent in the
‘ highest manner, in case they should be made
‘ publick. Therefore, with regard to those me-
‘ morials and representations that have been sent
‘ to the court of *Spain*, and must consequently
‘ be already known to that court, it would not
‘ perhaps, at present, be very prudent to publish
‘ them; because it might alter the present good
‘ humour which that court seems to be in, and
‘ might render it impossible for us to obtain either
‘ satisfaction, reparation, or security, any other
‘ way but by force of arms.

‘ This, I say, Sir, might be the effect of pub-
‘ lishing some of those papers, which the court
‘ of *Spain* has already seen; but with respect to
‘ those papers they have not, nor can be supposed
‘ to have seen, such as the instructions and letters
‘ sent to our minister in *Spain*, and consuls in *Eu-*
‘ *rope*, or any commander in chief, or captains of
‘ his Majesty’s ships of war, it would certainly be
‘ extremely imprudent to publish them at present.
‘ As the disputes between *Spain* and us, were
‘ come very near to an open rupture, before their
‘ agreeing to this convention, we do not know
‘ but that there were instructions or letters sent to
‘ the commanders in chief, or captains of his Ma-
‘ jesty’s ships of war, relating to some design
‘ against some one part or other of the *Spanish* do-
‘ minions, that was to have been executed, in
‘ case they had not agreed to the terms proposed;
‘ and if there were any such letters or instructions
‘ sent, the communicating them to this house, and
‘ consequently making them known to the court
‘ of *Spain*, might not only be the cause of their
‘ breaking off all further conferences with us, but
‘ at the same time it would put them upon their
‘ guard,

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guard, and instruct them how to provide against any such design for the future.

Then, Sir, with regard to the instructions or letters sent to our minister in *Spain*, or consuls in *Europe*, if we reflect upon what is usual in all cases of negotiation, we cannot so much as desire his Majesty to lay all such letters and instructions before us; for every one knows, that in all negotiations there are private, as well as publick letters and instructions, sent to those who are employed in carrying on the negotiation: There are letters or instructions sent them, which they are to communicate to those, with whom they are negotiating; and by these, they are generally ordered to make high demands, and few concessions: But these letters and instructions, are generally qualified by others of a private nature, which they are to conceal from those with whom they negotiate; and by these they are instructed to pass from some demands, or make some concessions, according to the humour they find the court in, to which they are sent, and according to the propositions that may be made by that court. In short, these private letters and instructions, generally contain the utmost their court or Prince will do for the sake of peace; and to make such letters or instructions publick, before the negotiation's being broke off, or concluded by a definitive treaty, would be doing the greatest injury to that court and nation, from which such letters or instructions had been sent.

This, I say, Sir, we know to be the case, with regard to almost every negotiation that has ever happened, or that can ever happen; therefore we must presume, that it is the case with regard to those instructions or letters, that have been lately sent to our ministers or consuls in *Spain*; and as the negotiation between us and
the

the court of *Spain*, is far from being concluded, as I hope, and every gentleman as well as I, must wish, that it may not be broke off, till it is brought to a happy conclusion; we cannot desire his Majesty to order all the letters and instructions, that have been lately sent to our ministers or consuls in *Spain*, to be laid before this house.

I shall grant, Sir, that in order to know how matters stand at present between us and *Spain*, the causes of our present disputes, and the measures his Majesty has taken to put an end to them, it would be proper for us to see all the papers that have been mentioned, and a great many more than have been now moved for. We cannot propose to acquire a full and perfect knowledge of these matters, and of the circumstances of affairs at home and abroad, without having a compleat knowledge of all the negotiations that have been lately carried on, or are now carrying on, not only between us and *Spain*, but between us, and every other power in *Europe*; but this is a knowledge, which every one must admit, his Majesty neither can, nor ought to communicate to Parliament. I have shewn, that the communicating all those papers that are now moved for, might be of the most dangerous consequence; and even the honourable gentleman himself who moved for those papers, allows, that we ought not to desire all the memorials, representations, and answers, received from the court of *Spain*, to be laid before us; because our rendering the contents of some of them publick, might put a stop to our negotiations, and make the court of *Spain* refuse to treat any longer with us. Are not we, Sir, to apprehend the same consequence, from our rendering publick the memorials and representations that have been made to

‘ the King of *Spain*, or his ministers? For the
 ‘ memorials and representations that have been
 ‘ made by us, must relate to, and may probably
 ‘ recite a great part, if not the whole substance, of
 ‘ those we have received.

‘ What are we then to do in such a case, Sir?
 ‘ We cannot desire a full and perfect knowledge
 ‘ of all such affairs. We must content ourselves
 ‘ with such a knowledge as may be safely commu-
 ‘ nicated to us, without injuring the publick affairs
 ‘ of the nation: And we must leave it to his Ma-
 ‘ jesty to judge, what may be safely communica-
 ‘ ted. We may depend upon his goodness, and
 ‘ the regard he has for his Parliament, that he
 ‘ will, upon this occasion, communicate to us eve-
 ‘ ry paper, and every transaction, relating to the
 ‘ *Spanish* depredations, that can be safely commu-
 ‘ nicated: But his wisdom, and the regard he has
 ‘ for the honour and interest of his kingdoms,
 ‘ must prevent his communicating to us any thing
 ‘ that ought not, that cannot be safely made pub-
 ‘ lick; and we ought not, by an unseasonable ad-
 ‘ dress, to raise a contest in his royal breast, be-
 ‘ tween his goodness and wisdom, or between the
 ‘ regard he has for his Parliament, and the regard
 ‘ he has for the honour and interest of his king-
 ‘ doms.

‘ The resolutions we have already come to, I
 ‘ did not, ’tis true, oppose; but it was not, Sir,
 ‘ because I entirely approved of them. It was,
 ‘ because I did not see any thing in them, but
 ‘ what his Majesty, I thought, might comply
 ‘ with: I did not apprehend that by any of them,
 ‘ there were papers called for that might not be
 ‘ safely made publick: But with regard to the two
 ‘ last resolutions, the honourable gentleman has
 ‘ been pleased to propose, the case is very different.
 ‘ At first view I see, that by each of them there
 ‘ are papers called for, which it may not be safe

‘ to

‘ to make publick : Some of those papers, I think,
‘ may probably be such, as would disclose the se-
‘ crets of our government, or interrupt, if not put
‘ a full stop to, the course of our negotiations :
‘ Therefore I must look upon the addresses pro-
‘ posed by those resolutions, to be of such a na-
‘ ture, that there is the highest probability of his
‘ Majesty’s not being able to comply with them ;
‘ and whilst I have the honour to have a seat in
‘ this house, I shall always be ready to give my
‘ testimony against our resolving to desire any
‘ thing of his Majesty by an address, which I
‘ think he cannot, consistently with the honour of
‘ his crown, or the interest of his kingdoms, fully
‘ comply with.

‘ From what I have said, Sir, I hope every
‘ gentleman will see, that there is a great difference
‘ between the addresses we have agreed to, and
‘ the two addresses now proposed. By the former,
‘ we desire nothing of his Majesty, at least so far
‘ as we can comprehend, but what he may comply
‘ with, without promulgating the secrets of his
‘ government, or running the risk of defeating
‘ those negotiations he is carrying on, for securing
‘ the trade and navigation of his kingdoms. By
‘ the latter we are to desire of his Majesty, what
‘ I think I have shewn, he cannot, in all probabi-
‘ lity, safely comply with. This is the proper
‘ distinction between the addresses we have agreed
‘ to, and the addresses now proposed ; and every
‘ gentleman that makes this distinction, may easily
‘ see a good reason for his giving a negative to the
‘ latter, notwithstanding his having given his as-
‘ sent to the former ; for all those who think there
‘ is any thing desired by the addresses now pro-
‘ posed, which his Majesty cannot safely comply
‘ with, must, I think, in duty to their Sovereign,
‘ give their negative to the question.

‘ I shall conclude with observing, Sir, that it
‘ would be highly imprudent in us at present, to
‘ present any address that his Majesty could not
‘ fully comply with; for if foreign courts, and
‘ particularly the court of *Spain*, should be inform-
‘ ed, that the Parliament had begun to present ad-
‘ dresses which the King could not comply with:
‘ If they should hear that his Majesty had, in the
‘ least article, refused to comply with the request
‘ of his Parliament, they would immediately begin
‘ to presume, that a breach was to ensue between
‘ King and Parliament: They would then begin
‘ to believe, that there is some truth in what they
‘ have so often been told, by the libels spread a-
‘ bout in this kingdom; that the people of this
‘ kingdom are a divided people; that they are dis-
‘ affected to their Sovereign; and that the Parlia-
‘ ment have now begun to do, what they have
‘ often done, what I hope they will always do,
‘ when there is a just occasion, which I am sure is
‘ far from being the case at present; I mean, that
‘ the Parliament had begun to espouse the cause of
‘ the people, against the King and his ministers.
‘ This presumption, Sir, would make not only
‘ the court of *Spain*, but every court we have any
‘ difference with, less pliable, or more unreasonable
‘ than they are at present; and at the same time,
‘ it would give the other courts of *Europe* such a
‘ contemptible opinion of us, as would of course
‘ prevent their joining in any alliance with us; by
‘ which means, we would render it not only im-
‘ practicable to obtain satisfaction from the court
‘ of *Spain* by fair means, but impossible to obtain
‘ it by force of arms; and as this would be one of
‘ the most unfortunate situations this nation could
‘ be reduced to, I am sure every gentleman that
‘ has a regard for his native country, and views
‘ the question now before us in this light, will join
‘ with me in putting the negative upon it.’

The

The only other speech we shall give upon this subject, is that of *William Pulteney*, Esq; who spoke in substance thus.

‘ Mr. Speaker,

‘ Sir, I wish his Majesty’s name were not so much made use of in this house, as it usually is. Mr. Pulteney’s speech.
 ‘ Some gentlemen seem to affect talking in his Majesty’s name, of every publick measure that happens to be mentioned in this house, though they know that when we enquire into any publick measure, or into the management of any publick transaction, we enquire into it, and we pass our judgment upon it, as a thing done, not by his Majesty, but by his ministers. Therefore, I wish they would alter a little their manner of talking, and instead of the word Majesty, make use of the word ministers, or if they please, minister. If they should say now, for example, in the present case, that we ought never to desire any thing of the minister, which we think he cannot safely comply with; it would be a more proper manner of expressing themselves, and more conformable to the rules of proceeding in Parliament, than to say, that we ought never to desire any thing of his Majesty, which we think he cannot safely comply with; and I must leave it to gentlemen to consider, what sort of a parliamentary maxim it would be, to resolve, that when we find ourselves obliged, when the unfortunate state the nation is in makes it necessary for us, to take an affair into consideration before it is finally concluded, we ought never to call for any papers upon such an occasion, but to leave it entirely to the minister, to lay, or order such papers to be laid before us, as he knew he might safely communicate to those whose business it is to enquire into his conduct. This, I confess,

‘ would be a maxim extremely convenient for ministers, and therefore I am not at all surprized to hear it come from the corner from whence it does.

‘ But, Sir, to be serious upon the subject now before us; for considering the unfortunate situation the affairs not only of this nation, but of *Europe*, are in at present, it is a subject of as serious a nature, as ever came before a *British* Parliament: I must observe, that when this house resolves to take any particular and extraordinary affair into consideration, it is impossible for his Majesty to know what papers, or other things may be necessary for giving us a proper light into the affair. His ministers may perhaps know, but in former ages, ministers have been known to conceal industriously from their Sovereign, many things they knew, and such as they ought in duty to have acquainted him with; and therefore our Parliaments never trusted to the King’s ministers, for giving him information in this particular. They considered themselves, the affair which was to come before them, they considered what papers, or other things, would be necessary for giving them a proper light into the affair, and if those papers were such as must be communicated by the crown, they addressed his Majesty, that he would be pleased to give directions for laying such or such papers before them. It is therefore from the addresses of this house only, that his Majesty can know what papers may be necessary to be laid before us upon any such occasion; and, when his Majesty sees what we address for, he may then judge, whether the papers called for, or any of them, be such as ought not to be made publick.

‘ I say, Sir, his Majesty may, upon seeing our address, judge whether any of the papers we call for be such as ought not to be made publick;

‘ publick ; but, suppose his Majesty judges that
‘ some of them are of such a nature, this is no
‘ reason for not laying them before Parliament,
‘ if they be such as either house things necessary
‘ for giving them a proper light into the affair
‘ under their consideration. Upon such occa-
‘ sions, his Majesty may order such papers as
‘ contain no secrets, to be laid before the house;
‘ and he may at the same time acquaint them,
‘ that there are others which ought not to be
‘ made publick : In which case, the house may,
‘ if it pleases, appoint a secret committee, and
‘ desire that those papers that ought not to be
‘ made publick, may be laid before their com-
‘ mittee ; which committee extracts from those
‘ papers such things only as are necessary for the
‘ information of the house, with relation to the
‘ affair then under consideration, without men-
‘ tioning or divulging any of those things that
‘ ought to be kept secret. By this means, Sir,
‘ the house may have full information with re-
‘ spect to any affair they are to pass judgment
‘ upon, or give their opinion of, without the
‘ least danger of exposing the secrets of the go-
‘ vernment ; for no strangers are ever allowed
‘ to be present in any secret committee, not even
‘ members of the house unless they are of the
‘ committee ; and, I hope it will not be said,
‘ that there may not be found at all times in
‘ this house, a set of gentlemen that are as ca-
‘ pable of keeping a secret, and as incapable of
‘ betraying the secrets of their country, as any
‘ of his Majesty’s ministers ; nor do I think it
‘ would be any reproach to our present ministers,
‘ if I should say, that every gentleman in this
‘ house has as great a regard for his native
‘ country, and as great a concern for its pro-
‘ sperity, as they have.

‘ If

' If the honourable gentleman's maxim were
 ' to be admitted as an established maxim for
 ' our conduct in this house, we could never ad-
 ' dress for papers relating to any publick affair
 ' that had been transacted within the same cen-
 ' tury; for there is no publick affair but what
 ' may have, but what may probably have some
 ' papers belonging to it that ought not to be
 ' made publick. Even suppose the affair we are
 ' to enquire into, were an affair finally conclud-
 ' ed, yet there may be papers belonging to that
 ' affair, if it be such a one as has lately happen-
 ' ed, which relate to some affairs then upon the
 ' anvil, and which therefore ought not then to
 ' be made publick. At this rate, Sir, we must
 ' always leave it entirely to his Majesty, that is
 ' to say, to his Majesty's ministers, to lay no
 ' papers before us but such as they think may
 ' be safely communicated to Parliament; in
 ' which case, every one must see, that we could
 ' never enquire into the conduct of any mini-
 ' ster, while he continues a favourite of the
 ' crown; for no minister will ever think it safe
 ' to lay any paper before Parliament, that may
 ' lay a foundation for, or may any way support
 ' an accusation against himself; and, upon this
 ' maxim, he would always have an excuse for
 ' not laying such papers before Parliament, by
 ' saying, that they contain secrets relating to
 ' some affair in agitation, which must not be
 ' discovered till that affair is brought to a con-
 ' clusion.

' This shews, Sir, how ridiculous it would be
 ' to establish such a maxim, and therefore, I
 ' hope we shall continue to follow the antient
 ' maxim of this house, which has always been,
 ' to call for all such papers as we thought might
 ' contribute towards giving us a full and per-
 ' fect

‘fect knowledge of the affair we were to en-
‘quire into, without regarding whether or no
‘the papers we thought necessary for this pur-
‘pose were such as might probably contain some
‘secrets of state. If any of them are of such a
‘nature, we may appoint a secret committee for
‘examining into them, and reporting such parts
‘of them as are necessary for our information;
‘but, till his Majesty has acquainted us that
‘some of them are of such a nature, we have
‘no occasion for appointing such a committee.
‘This therefore can be no objection against our
‘addressing for all or any of the papers now
‘proposed to be addressed for; but, for my
‘own part, I cannot so much as imagine, that
‘there are any important secrets, I mean such as
‘the honour or interest of the nation is concern-
‘ed in keeping secret; I say, I cannot imagine,
‘that there are any such in our late negotiati-
‘ons with *Spain*, or in any of our late trans-
‘actions relating to the *Spanish* depredations. I
‘am sure they have made no secret of the
‘claims they have lately set up against us, nor
‘of the insults they have put upon us: On the
‘contrary, they seem to be fond of publishing
‘them, that the world may know how contemp-
‘tuously they have used us. I do not know but
‘that there may be some secrets that ought to
‘be discovered, secrets, in the discovering of
‘which, both the honour and interest of the na-
‘tion may be deeply concerned; but this surely
‘can be no argument against our calling for pa-
‘pers by which such a discovery may be made;
‘and, if any of the papers now called for can
‘be supposed to contain secrets of such a na-
‘ture, it is a strong argument for agreeing to
‘the motion; for, without such an address, we
‘can hardly expect to have them laid before
‘us.

' If a presumption, that the papers to be cal-
 ' led for were such as ought not to be made
 ' publick, should be allowed to be an objection
 ' of any weight against the resolutions now pro-
 ' posed, it must be allowed, Sir, that it was an
 ' objection of equal weight against every reso-
 ' lution we have agreed to. If the governors
 ' of our plantations, or any commander in chief,
 ' or captains of his Majesty's ships of war, had
 ' any instructions about a design that was to
 ' have been executed against the *Spaniards*, in
 ' case they had not agreed to this convention;
 ' may not we as reasonably suppose, that in
 ' some of the letters received from them, those
 ' instructions are referred to, or recited, as we
 ' can suppose that the memorials, representati-
 ' ons, or answers of the court of *Spain*, are re-
 ' ferred to, or recited, in those which we sent
 ' to that court? And, if those letters bear any
 ' such reference or recital, will not the laying
 ' them before this house discover our designs
 ' to the *Spanish* court, as much as if the in-
 ' structions themselves were laid before us? If
 ' our negotiators at the court of *Spain* had pri-
 ' vate as well as publick instructions, must not
 ' the letters received from them relate to their
 ' private as well as publick instructions? And
 ' will not the laying those letters before us, as
 ' much discover their private instructions, as if
 ' those private instructions themselves were laid
 ' before us? Therefore, if we were never to
 ' address for any papers, but such as, we are
 ' certain, may be safely made publick, we
 ' ought not to have addressed for those papers
 ' we have already resolved to address for; but
 ' this can be no reason against our addressing for
 ' papers of any kind: There can be no reason
 ' against our addressing for all papers that are
 ' necessary for discovering to the bottom any af-
 ' fair

‘ fair we have resolved to enquire into, except
‘ that of the risk some people may run by a
‘ sincere and thorough enquiry.

‘ As the late convention with *Spain*, Sir, was
‘ intended, or ought to have been intended, for
‘ obtaining a proper satisfaction for the insults we
‘ have met with, full reparation for the losses our
‘ injured merchants and seamen have suffered, and
‘ effectual security for our trade and navigation in
‘ time to come, it is impossible for us to form any
‘ right or mature judgment of that convention,
‘ without seeing all papers that any way relate to
‘ the *Spanish* depredations. Can we determine
‘ what may be thought a proper satisfaction for
‘ the insults we have met with, without knowing
‘ what those insults are? Can we determine what
‘ may be thought a full reparation for the losses
‘ our merchants and seamen have sustained, with-
‘ out knowing what those losses are? Or can we
‘ determine what may be thought an effectual se-
‘ curity for our trade and navigation in time to
‘ come, without knowing all the pretences the
‘ *Spaniards* have set up for disturbing them, and
‘ what foundation they have for all or any of these
‘ pretences? And, can we come at a sufficient
‘ knowledge in either of these respects, without
‘ perusing and examining all the papers upon the
‘ subject? Therefore, if we have a mind to go to
‘ the bottom of this affair, which it is highly ne-
‘ cessary we should, if we have a mind to do any
‘ thing more than read over, and blindly approve
‘ of this convention, we must have laid before us
‘ all the papers we have already resolved to address
‘ for, together with those now proposed to be ad-
‘ dressed for; and, when we have seen them, we
‘ may from thence find it necessary to address for
‘ some others; but in order to judge of the con-
‘ vention, it cannot be necessary for us to enquire
‘ into

‘ into all the negotiations we have lately had with
‘ every other power in *Europe*.

‘ Indeed, if upon enquiry it should appear, that
‘ this convention is both dishonourable and disad-
‘ vantageous for this nation: If it should appear,
‘ that we have thereby got no satisfaction, nor so
‘ much as the promise of satisfaction for any one
‘ insult that has been put upon us: If it should
‘ appear, that we have not got a full reparation,
‘ nor so much as the promise of a full reparation,
‘ for the losses our merchants and seamen have suf-
‘ tained: If it should appear, that we have got
‘ no security, nor so much as the promise of any
‘ security, for our trade and navigation in time to
‘ come; it would then, Sir, be incumbent upon
‘ us, to appoint a day for resolving into a com-
‘ mittee to take the state of the nation into our
‘ consideration; and, in that case, I shall grant,
‘ that it would be necessary for us to address his
‘ Majesty, that he would be pleased to give direc-
‘ tions for laying before a secret committee to be
‘ appointed for that purpose, a full and exact ac-
‘ count of all our late negotiations; in order that
‘ we might have a full view of the circumstances
‘ the nation is in, not only with respect to its do-
‘ mestick affairs, but also with respect to foreign
‘ affairs. Without such a view, it would be im-
‘ possible for this house to come to any proper re-
‘ solutions, or to give his Majesty any proper ad-
‘ vice. If the nation has been brought into such
‘ distress, as to be obliged to accept of such a dis-
‘ honourable and disadvantageous treaty, rather
‘ than attempt to vindicate our honour and our
‘ rights by force of arms, we cannot expect that
‘ those who brought us into such distress will ever
‘ be able to relieve us. If any relief be possible,
‘ it must come from Parliament; and it is not the
‘ first time the Parliament has relieved this nation
‘ from the utmost distress. But, in such cases, we
‘ must

‘ must have a full view of our affairs; we must
‘ not shew such a complaisance for our ministers,
‘ as to deny ourselves any necessary information,
‘ for fear of bringing them into difficulties.

‘ From what I have said, Sir, I hope it will
‘ appear, that there is nothing in either of the ad-
‘ dresses now proposed, but what his Majesty may
‘ comply with, but what he certainly will comply
‘ with. If there be any of the papers now pro-
‘ posed to be called for, of such a nature as ought
‘ to be kept extremely secret, his Majesty may tell
‘ us so, and we may then appoint a secret com-
‘ mittee for inspecting them, and reporting such
‘ parts of them as may be safely communicated.
‘ This may perhaps be the case, with regard to
‘ some of the papers we have already resolved to
‘ address for: There is as great a probability, that
‘ this may be the case with regard to some of
‘ them, as there is of its being the case with regard
‘ to some of the papers now proposed to be ad-
‘ dressed for; but if there were not, it would be
‘ no reason for our not calling for a sight of papers
‘ that are absolutely necessary for our informa-
‘ tion, in a case that is to come before us, a case
‘ in which both the honour and interest, I may
‘ say, the very being of this nation, make it ne-
‘ cessary for us to be fully informed.

‘ In all parliamentary enquiries, Sir, the Sove-
‘ reign of these kingdoms can never be led by
‘ motives founded upon the honour of his crown,
‘ or the interest of his kingdoms, to refuse his
‘ Parliament any thing they think necessary for
‘ their information, with respect to the affair they
‘ have resolved to enquire into: He may be led
‘ so to do, by the advice of bad ministers, who
‘ never give him such advice, but for the sake of
‘ screening themselves from that national ven-
‘ geance that is ready to fall upon them. But his
‘ present Majesty has too much wisdom and good-
‘ ness

' nefs to follow any ſuch pernicious advice: He
 ' knows, that the following of ſuch advice, has
 ' ſometimes proved fatal even to crown itſelf; and
 ' has never as yet, thank God! long preſerved the
 ' guilty criminal. His Maſteſty's goodneſs will in
 ' all caſes induce him to give the utmoſt ſatis-
 ' faction to his people, and from his wiſdom we muſt
 ' preſume he knows, that in giving ſatisfaction to
 ' his people, conſiſts the ſecurity of his crown,
 ' and the happineſs of his kingdoms.

' Therefore, Sir, what his Maſteſty may, or
 ' may not, comply with, is a queſtion that cannot
 ' enter into the preſent debate. The only queſtion
 ' that can enter into the preſent debate is, what
 ' papers may, or may not, be neceſſary for our
 ' information, with regard to the affair that is ſoon
 ' to come before us; for whatever papers we may
 ' think neceſſary for that purpoſe, his Maſteſty
 ' will, upon our requeſt, ſignified to him in the
 ' uſual manner, certainly order to be laid before
 ' us.

' For this reaſon, Sir, the only queſtion now
 ' under our conſideration is, Whether the papers
 ' now propoſed to be addreſſed for, are ſuch as
 ' are neceſſary for giving us ſuch a light into the
 ' preſent circumſtances of our affairs, with regard
 ' to *Spain*, as may enable us to form a right judg-
 ' ment of the convention that is, I hope, ſoon to
 ' be laid before us? And with reſpect to this que-
 ' ſtion, Sir, the honourable gentleman who ſpoke
 ' firſt in this debate, has fully ſhewn, That the
 ' papers now propoſed to be addreſſed for, are not
 ' only neceſſary, but more neceſſary upon the pre-
 ' ſent occaſion, than the papers we have already
 ' reſolved to addreſs for. Nay, it is a queſtion
 ' that ſeems not to be diſputed, even by thoſe
 ' who have ſpoke againſt the reſolutions now pro-
 ' poſed; for they have grounded the whole of
 ' their reaſoning upon a ſuppoſition, that ſome of

the papers now proposed to be addressed for, may be such as ought not to be made publick; and as I have shewn that this can be no argument against our addressing for them, I am persuaded every gentleman who has a real design that we should examine thoroughly into the nature of the convention, that is to be laid before us, or that we should be able to form any judgment of it, will be as ready to give his assent to the resolutions now proposed, as he was to give his assent to those we have already agreed to.

As there is nothing, Sir, in either of the resolutions proposed, but what his Majesty may comply with, as there is nothing but what he will certainly comply with, therefore, from our agreeing to these resolutions, no foreign court can presume, that a breach is like to ensue between his Majesty and his Parliament; nor can they from thence be induced to believe, what the honourable gentleman says has been told them by some libels lately published in this kingdom. For my part, I know of no such libels: I do not know that it has been asserted in any libel lately published, that the people of this kingdom are generally disaffected to his Majesty and his Family. I am persuaded no such arrogant lie has been asserted in any libel lately published, unless it be in some of those lately published in favour of keeping up numerous armies in time of peace. But suppose such a lie to have been published in some such libel, I do not believe that foreign courts are such minute politicians as to build any hopes upon, or give any credit to what is asserted in such infamous libels. They build upon a better foundation, because they generally send such ministers here, as can give them a true information of the disposition of the people; and from them they know, that the people are generally well affected towards his

‘ Majesty and his Family, however much they
‘ may be dissatisfied with some of his Majesty’s
‘ ministers.

‘ This, thank God! Sir, is as yet the disposi-
‘ tion of our people. But if they should long con-
‘ tinue under the insults they have met with: If
‘ they should be long amused with tedious and
‘ fruitless negotiations, or sham treaties; and if
‘ they should find the Parliament supporting and
‘ applauding such measures, God knows, where
‘ they may fly for relief. They may then, indeed,
‘ become generally disaffected, as well as dissatisfi-
‘ ed; and this perhaps is what some foreign courts
‘ are driving at; but it is to be hoped they will,
‘ by the wisdom and integrity of this house, be
‘ disappointed in their aim. If they are not, the
‘ most perfect harmony between King and Parlia-
‘ ment, would add but little weight to our nego-
‘ tiations at any foreign court; for it is upon the
‘ affections of the people, that the weight and
‘ credit of our government must always depend.

‘ From hence we may see, Sir, that we may
‘ happen to be in such circumstances, that a har-
‘ mony between King and Parliament would be a
‘ misfortune, instead of being a blessing to the na-
‘ tion; for, if our people should ever become ge-
‘ nerally dissatisfied with an administration, the
‘ happiest thing that could befall this nation, would
‘ be the Parliament’s espousing the cause of the
‘ people, not against the King, but for the King,
‘ and against his ministers; for, the cause of the
‘ King and people must always be the same; but
‘ that cause and the cause of a minister may often
‘ be different, may sometimes be in direct opposi-
‘ tion. Therefore, if this nation should ever hap-
‘ pen to be so unfortunate as to be under an admi-
‘ nistration generally disliked by the people, the
‘ wisest thing the Parliament could do, would be
‘ to advise, or even render it necessary for the
‘ King,

King, to make a thorough change, as to the persons employed in the administration. Such a breach as this would be, upon such an occasion, the only means that could effectually restore the influence and the character of the nation at all foreign courts; because they would then expect to see, in this nation, a new set of ministers, and new measures. They would expect to see a ministry chosen, and measures concerted, by the advice of a free and independent Parliament, and with the approbation of a brave and a free people; and from such a ministry, and such measures; this nation has always reaped great honour, and great advantage.

I shall conclude, Sir, with supposing the worst that can be supposed from our agreeing to these resolutions: Suppose that his Majesty should be induced by bad counsel to refuse so reasonable a request in his Parliament. This, indeed, is hardly to be supposed; but, if it should unfortunately happen to be the case, it would be a full proof that there are some bad counsellors about his Majesty, and this discovery would be a great advantage to the nation; for it would then become our business and our duty to find out those bad counsellors, and to remove them from his Majesty's councils. Could the removing of bad counsellors from about the person of our King, any way derogate from the weight or influence of his negotiations at foreign courts? No, Sir, it would give great satisfaction to his whole people, and new vigour to all his counsels, and consequently would greatly add to the weight of his negotiations at every court in *Europe*. So that in the worst light in which we can put the question now before us, we must allow, that our agreeing to it is not only necessary,

‘ but that it will be attended with great advantages to his Majesty in particular, and to the nation in general ; and, as this plainly appears to be the case, I therefore hope it will be unanimously agreed to.’

The division upon the first of these two motions, was 183 noes, to 113 yeas.

Convention
laid before
the house of
Lords.

February the 8th, The Duke of *Newcastle*, by his Majesty’s order, laid before the house of Lords, a copy of the convention between *Great Britain* and *Spain*, concluded at the *Pardo*, *January* 14, 1739. N. S. with copies of the two separate articles, and his Majesty’s and the King of *Spain*’s ratifications, together with translations of all of them.

Whereupon the Lord *Carteret* stood up and spoke as follows :

Lord *Carteret*’s speech
on that occasion.

‘ My Lords,

‘ I hope your Lordships will pardon me, if I shall presume to trouble your Lordships, by imparting to the house some little scruples I have, with regard to the papers delivered in to your clerk by the noble Duke. Your Lordships are, no doubt, sensible how much reason we all have to be jealous of every step that we now take in this important affair ; you are sensible how much we have been already imposed upon in all our negotiations with *Spain*, and how intent the eyes of all the nation are upon your Lordships proceedings on this occasion. These considerations, my Lords, will, I hope, serve to excuse my diffidence, especially when I assure your Lordships that I now stand up, not with any Intention to embarrass the noble Duke, or any of the ministry, but to contribute,

‘bute, as much as I possibly can, towards your
‘Lordships having a clear and distinct notion of
‘all this transaction.

‘The noble Duke has been pleased to inform
‘the house, that he has, by his Majesty’s or-
‘ders, communicated to your Lordships the
‘convention between his Majesty and *Spain*, to-
‘gether with the separate articles, and the ra-
‘tifications; and I think, my Lords, we ought
‘all of us to be sensible of his Majesty’s great
‘condescension in communicating them so ear-
‘ly in the session.

‘But, my Lords, I have known, where a
‘transaction of this kind has happen’d, that
‘one of the contracting powers has presented a
‘protest, or declaration, importing that she ac-
‘ceded to such or such a measure only upon
‘condition that the terms of that protest or de-
‘claration should be made good: Nay, my
‘Lords, I have known instances when it has
‘been particularly express’d in such a protest,
‘that if the terms requir’d were not fulfill’d,
‘the whole proceeding should be invalid. My
‘Lords, it is with the greatest reluctance ima-
‘ginable that I presume to suggest that this
‘possibly may be the case at present; I have
‘too good an opinion of our ministry’s zeal
‘and abilities to assert that it is: But give me
‘leave to say, my Lords, that *Spain* has be-
‘hav’d with so much insolence and injustice,
‘that we can suppose nothing so insolent and
‘unjust which she may not be guilty of. Our
‘ministers, my Lords, with the purest inteni-
‘ons in the world, may be imposed upon; they
‘may not foresee the consequences of such a
‘step. My Lords, I have known it to have
‘had very bad consequences, and therefore I am
‘the more jealous of every transaction where
‘any such protest may take place. If, my

' Lords, no such step has been taken in this
 ' transaction, as I am very far from affirming
 ' that there has, it will be of the greatest conse-
 ' quence to the government that those without
 ' doors be made easy upon that head; for, my
 ' Lords, though I believe no Lord here thinks
 ' that any such measure is gone into, yet I can
 ' assure your Lordships that such an opinion, I
 ' cannot conceive how it arose, is entertained
 ' without doors. It will likewise be of the
 ' greatest consequence to your Lordships, in the
 ' judgment you are to make upon this conven-
 ' tion, if you are informed, by authority, that
 ' no such protest, or declaration, on the part of
 ' *Spain*, exists. For my own part, my Lords,
 ' I frankly own to your Lordships, that I am
 ' not free to give my sentiment on any one part
 ' of a transaction of this kind, without seeing
 ' the whole of the transaction. For, my Lords,
 ' the judgment which any Lord of this house
 ' may form of it upon seeing the convention a-
 ' lone, may be very just and right; but if the
 ' same Lord considers it as clogg'd with a pro-
 ' test affecting the whole, he may see very good
 ' causes for altering his opinion. So that, my
 ' Lords, till such time as my mind is free from
 ' the most distant suspicion that such a paper
 ' may exist, I can never form a just opinion,
 ' myself, nor can I communicate to, or receive
 ' from your Lordships any light that may be
 ' necessary for that purpose. Your Lordships
 ' are the best judges in what manner such an in-
 ' formation ought to be communicated to the
 ' house. What I have suggested to your Lord-
 ' ships is, as I humbly conceive, so reasonable
 ' in itself, that I dare say the noble Duke, and
 ' those who have had the honour to be in the
 ' secret of this transaction, will be extremely
 ' glad to have this opportunity of vindicating
 ' their

‘ their own characters, by letting this house and
 ‘ all the world see, that they have entered into
 ‘ no scandalous, no clandestine measures, and
 ‘ that, while they consulted the peace of the
 ‘ nation, they had a regard to its honour and
 ‘ interest.’

The Earl of *Cholmondley* spoke next as follows :

‘ My Lords,

‘ It is with the greatest satisfaction that I ob- Earl of Chol-
 ‘ serve in the noble Lord, who spoke last, so mondley's
 ‘ much candour, and such a desire to be impar- speech.
 ‘ tially inform'd of the true state of affairs be-
 ‘ twixt us and *Spain*. The noble Lord's senti-
 ‘ ments will have great weight with me, as I
 ‘ believe they will with every Lord in this house.
 ‘ The noble Lord has been so much engaged in
 ‘ foreign affairs, and discharged every character
 ‘ he filled with so much capacity, that he must
 ‘ be extremely well versed in things of that na-
 ‘ ture. But, my Lords, I must beg leave to put
 ‘ your Lordships, and the noble Lord, in mind,
 ‘ that the forms of this house are not to be
 ‘ dispensed with on this, or any other, occasion.
 ‘ Your Lordships, I dare say, are sufficiently
 ‘ sensible how much they contribute to the con-
 ‘ tinuance of our power ; and, my Lords, we
 ‘ have as much reason to preserve them upon the
 ‘ present occasion, as upon any occasion I can re-
 ‘ collect, since I have had the honour to sit among
 ‘ your Lordships.

‘ If I am so happy as to apprehend the noble
 ‘ Lord's meaning who spoke last, his Lordship
 ‘ desires that the house may be inform'd, if there
 ‘ are any other papers that have been signed by
 ‘ our ministers here, or at the court of *Spain*, re-
 ‘ lating to the convention, besides those deliver'd

to the house. My Lords, I think the noble Lord's question extreamly improper to be answer'd here. His Lordship cannot be properly inform'd but by one, who has the honour to be one of his Majesty's council; and we cannot suppose that such a person will divulge, even to this house, a secret which perhaps he is sworn to conceal. Your Lordships may, indeed, address his Majesty to know if all the papers, that have passed betwixt us and *Spain*, are comprehended in those that the noble Duke has now deliver'd to the house; but, my Lords, such an address would be quite unprecedented, and, give me leave to say, unreasonable; for his Majesty would, no doubt, order the secretary to inform the house that they are not; and if your Lordships should insist on seeing them all, it would occasion a very needless piece of trouble and expence; for they have been so many, that the very copying them over must employ all the clerks in the secretaries office for some days, if not weeks. For my own part, I think I am able to form a judgment of any treaty, of any convention, if that treaty or convention is laid before me. It is true, if the terms of it should run so far as to refer to a paper I have never seen, it is absolutely necessary that I should see that paper; but if that is not the case, I am to be determined by what I do see, and will consider what is laid before me as the whole of that transaction. If, when your Lordships shall come to consider this convention, you shall see reason for suspecting any such management as the noble Lord who spoke last has hinted at, I shall be very willing to concur with every motion that may serve to give your Lordships the necessary information; but in the mean time I shall beg leave to take it for granted, that the papers now deliver'd in, are all that are necessary for my
forming

‘ forming a right judgment of this transaction ;
 ‘ and while I do that, my presumption is certainly
 ‘ on the most probable side. But were I of any
 ‘ other sentiments, I don’t think that what the
 ‘ noble Lord has let fall ought to be any reason
 ‘ why your Lordships should expect any imme-
 ‘ diate and direct answer. If the noble Lord
 ‘ has a motion to make, I shall hear it with
 ‘ great pleasure, and it may be now debated ;
 ‘ but I am humbly of opinion, that if his Lord-
 ‘ ship does not reduce what he has to say to a
 ‘ regular motion, we ought to proceed upon
 ‘ the business of the day.’

The Lord *Carteret* reply’d as follows :

‘ My Lords,

‘ When I threw out my distant surmises with
 ‘ great simplicity of heart, I did not think that Lord Carteret’s reply.
 ‘ they would have occasioned so long an an-
 ‘ swer from the noble Lord who spoke last.
 ‘ What fell from me, my Lords, was, as I ap-
 ‘ prehended, so evidently calculated for your
 ‘ Lordships better information in this impor-
 ‘ tant affair, that I did not think it would have
 ‘ met with the least opposition. But, my
 ‘ Lords, from some things I observed in the no-
 ‘ ble Lord’s speech who spoke last, my suspi-
 ‘ cions begin to be a little confirmed. The no-
 ‘ ble Lord is pleased to entertain a more favour-
 ‘ able opinion of me than I deserve, but I must
 ‘ beg his Lordship’s pardon when I say that he
 ‘ has misapprehended my meaning. I did not
 ‘ mean, my Lords, to make any motion, nor so
 ‘ much as to start any difficulty ; all I intended
 ‘ was to give the noble Duke who deliver’d the
 ‘ papers, or any other who has the honour to be
 ‘ in his Majesty’s councils, an opportunity of
 ‘ undeceiving the house with regard to a report,
 ‘ that

' that is now very current, and very prejudicial to
 ' his Majesty's interests. I imagined, my Lords,
 ' that every Lord, who is a friend to the ministry,
 ' would have been glad of such an opportunity to
 ' vindicate their integrity, and that the ministers
 ' themselves would have joyfully embraced it.
 ' But, my Lords, instead of that, to my surprise,
 ' I find it objected, that what I hinted at was not
 ' according to *form*, and therefore that it ought to
 ' be disregarded. My Lords, I did not intend
 ' to make a *formal* motion; I thought it looked
 ' much better not to do it, because what is done
 ' in consequence of a formal motion carries an air
 ' of constraint along with it, and lays a minister
 ' under an obligation to comply; whereas, when
 ' he readily and cheerfully takes the hint, and vin-
 ' dicates his own and the nation's honour, he re-
 ' moves at once all suspicion, and leaves a very
 ' favourable impression of his own conduct.

' I am as much for keeping to our forms, my
 ' Lords, as the noble Lord who spoke last, or any
 ' other Lord in this house; but, my Lords, I am
 ' far from thinking them equally essential on all
 ' occasions. The papers that are now communi-
 ' cated to the house by the noble Duke were not
 ' communicated in consequence of any address to
 ' his Majesty, and therefore, my Lords, the noble
 ' Duke may regularly, without waiting for any
 ' such address, if his Grace pleases, inform the
 ' house, if any papers relating to this convention,
 ' besides those now given in, have been subscribed
 ' by our ministry, or by that of *Spain*. I do not
 ' mean, my Lords, those papers that must have
 ' necessarily preceded the signing the convention,
 ' but those that may be immediately connected
 ' with it: Papers, my Lords, upon the validity
 ' of which this convention is, perhaps, to stand
 ' or fall. If any such exist, I humbly presume,

‘ none of your Lordships can doubt of their being
 ‘ absolutely necessary to be laid before us.

‘ I am very sensible, my Lords, that we have
 ‘ no right to require the noble Duke to give a full
 ‘ and explicit answer to this; but if his Grace does,
 ‘ it will save the house a great deal of time; and
 ‘ I am so much convinced of his Grace’s honour
 ‘ and integrity, that I, and every Lord, I believe,
 ‘ of the house, will be determined by what his
 ‘ Grace shall say on that head. As to violating an
 ‘ oath of secrecy, my Lords, I think there is no
 ‘ danger of that; for if there is any paper such as
 ‘ I have mentioned, it must be soon known to all
 ‘ the world, and it is already known to a great
 ‘ many. It is no transaction of his Majesty’s coun-
 ‘ cil, and the owning or disowning such a thing
 ‘ can never affect his Grace as a counsellor.’

The Duke of *Newcastle* spoke next as follows:

‘ My Lords,

‘ Your Lordships must be sensible what a hard-
 ‘ ship I am laid under by being oblig’d to speak Duke of
Newcastle’s
 speech.
 ‘ upon this occasion. The noble Lord who spoke
 ‘ last has put it upon me to answer a question,
 ‘ which I conceive the noble Lord, as a member
 ‘ of this house, has no right to ask, and I, as a
 ‘ minister, am under no obligation to answer. I
 ‘ thought that what was urg’d by the noble Lord
 ‘ who sits over-against me, was sufficient to have
 ‘ prevailed upon the noble Lord who spoke last,
 ‘ to have push’d this affair no farther. I have, by
 ‘ his Majesty’s order, laid before your Lordships
 ‘ the convention, with its separate articles and ra-
 ‘ tifications. His Majesty’s intention in giving
 ‘ these orders was, that your Lordship’s might
 ‘ thereby be enabled to form a right judgment of
 ‘ this transaction. If any other papers had been
 ‘ requisite for this purpose, your Lordships need
 ‘ not

‘ not doubt of his Majesty’s willingness to communicate them to the house. As no such, my Lords, have been communicated, your Lordships may be very well assur’d that those now given in are sufficient for all the purposes mentioned by the noble Lord who spoke last.

‘ But, my Lords, as the noble Lord seems to expect from me some more positive declaration as to this matter, I am very willing to go as great a length as is consistent with the character I have the honour to bear. And, my Lords, give me leave to assure your Lordships, that the papers now laid before you are the only papers that have been subscribed by our ministers at the court of *Spain* relating to the conclusion of the convention. This, my Lords, I take upon me to affirm to your Lordships, and I hope this answer will be satisfactory to the house. If any other paper was sign’d by our ministers on that head, it has not yet come to my knowledge, nor I believe of any Lord in the house, and I dare venture to say that they could not have been so long concealed.’

The Lord *Carteret* spoke next to the following purpose:

Lord *Carteret*’s speech.

‘ My Lords,
‘ I think the house is very much obliged to the noble Duke who spoke last: His Grace knows too much of this transaction to be mistaken, and, for my own part, I have no manner of doubt that the papers now given in to the house are all the papers that were sign’d on the part of our ministry. My Lords, I never doubted of that; but I wish the noble Duke had, with the same frankness, declared if he knew of any paper relating to, and immediately connected with this convention, that was sign’d on the part of *Spain*,
‘ and

' and transmitted to our court. If the noble Duke
 ' will affirm, that he knows of no such paper, my
 ' doubts, my Lords, are at an end. But, my
 ' Lords, if his Grace shall make any difficulty to
 ' do this, I shall immediately conclude that some
 ' secret measure, some private transaction, not fit
 ' to be communicated to the world, nor laid be-
 ' fore your Lordships, has been entered into: I
 ' shall conclude, my Lords, that however sollici-
 ' tous we have been to procure from *Spain* this
 ' convention, yet we could not even have procured
 ' that, had we not made some private concessions,
 ' that destroy all the seeming advantages which we
 ' are to reap by this convention. My Lords, I
 ' do not know what this convention is, I have
 ' heard it both blamed and approved: But let its
 ' stipulations be never so much in our favour, I,
 ' my Lords, will look upon them as mere grimace,
 ' unless the whole of the transaction be laid before
 ' your Lordships. I shall not trouble your Lord-
 ' ships any further on this head. I hope I have
 ' sufficiently explained to your Lordships my
 ' meaning; but I hope no Lord will be for our
 ' entering into the consideration of this convention,
 ' before he is certainly informed of every material
 ' circumstance that has any relation to it.'

The Duke of *Newcastle* made answer as follows:

' My Lords,
 ' I thought I had before sufficiently obviated all
 ' the doubts that the noble Lord entertained upon
 ' this occasion. I imagined, my Lords, that it was
 ' sufficient for the satisfaction of the house, if I
 ' declared, that the papers given in, were all the
 ' papers that have been signed by our ministers at
 ' the court of *Spain* relating to the conclusion of
 ' this transaction. I believe it is pretty well un-
 ' derstood, that if our ministers, either here or at
 ' that

Duke of
Newcastle's
answer.

‘ that court, have sign’d no other paper, there is
 ‘ no other paper that can affect this convention.
 ‘ If, my Lords, no other paper can affect this
 ‘ convention, but those now deliver’d in to your
 ‘ Lordship’s, I humbly conceive that your Lord-
 ‘ ships have all necessary lights towards judging
 ‘ aright of this transaction.’

The Lord Carteret’s reply was as follows.

Lord Carteret’s reply.

‘ My Lords,
 ‘ I should not have again troubled your Lord-
 ‘ ships upon this subject, were I not sorry to find
 ‘ that I have been so unfortunate as not to explain
 ‘ myself clearly enough to be intelligible to the noble
 ‘ Duke. A paper, my Lords, though only sign’d
 ‘ by one of the contracting parties, in a negotia-
 ‘ tion of this kind, may in certain cases, and at-
 ‘ tended with certain circumstances, be as binding
 ‘ upon the party not signing, as if they had actual-
 ‘ ly sign’d it. I don’t know, my Lords, if there
 ‘ is any such paper relating to this convention now
 ‘ existing, far less do I know in what terms it is
 ‘ conceiv’d, or in what manner it was deliver’d.
 ‘ But whether there is, or is not, it is certainly
 ‘ reasonable that we should be acquainted with the
 ‘ import of every paper connected with this trans-
 ‘ action, or that those without doors should be
 ‘ made easy on that head. The doubt therefore,
 ‘ which with great submission I want to be resolv’d
 ‘ in, is, Whether any paper relating to this con-
 ‘ vention, and declaring it void, if the terms con-
 ‘ tain’d in that paper were not comply’d with, was
 ‘ at any time deliver’d by the ministers of *Spain* to
 ‘ those of *Great Britain*?’

The

The Duke of *Newcastle* answer'd;

‘ My Lords,

‘ I have nothing to add to what I have already declar’d to your Lordships, but that there was indeed a paper given to our ministers by that of *Spain*, relating to the affairs of the *South-Sea* company. This paper, my Lords, relates to a private transaction betwixt the *Spaniards* and that company; and I could never have imagined that it could have created such apprehensions in any body as the noble Lord seems to express. That company, my Lords, have many transactions with the court of *Spain*, and if some misunderstanding sometimes happens betwixt them, it is not at all to be wonder’d at; but we can never suppose that their private transactions, and the concerns of the nation depend upon one another. The *Spanish* ministers might, if they had pleased, have sent fifty papers to our ministers on that head, but I never imagin’d that any Lord would have thought it material that these papers should be communicated to this house. The paper, or protest, or declaration, call it what you please, that is now in question, pass’d through my hands, and was some days ago transmitted to the company. If any of your Lordships are of opinion that it should be laid before the house, I shall very readily concur with the motion. My Lords, I will go farther, I will undertake to have it deliver’d to your Lordships as the papers now given in have been, without any motion being made for that purpose; though, my Lords, I don’t think it at all material, whether it is laid before your Lordships or not.’

Duke of
Newcastle’s
answer.

The

The Lord *Carteret* then said;

‘ My Lords,

Lord *Carteret*
rel's motion.

‘ I now stand up to make a motion; but I think it very proper to return my acknowledgments to the noble Duke, for condescending so readily to answer the doubt I had propos'd. It was, my Lords, with the greatest diffidence in the world, that I mention'd it to your Lordships; and, my Lords, it is not without a secret satisfaction, that I observe there was at least a foundation for my suspicions. Therefore, my Lords, as the noble Duke has promis'd that the paper in question shall be communicated to the house, I humbly move, That the convention, together with the separate articles, and the several ratifications, concluded betwixt their *Britannick* and *Catholick* Majesties, be read on *Tuesday* next.’

The Earl of *Strafford* spoke next as follows.

‘ My Lords,

Earl of
Strafford's
speech.

‘ It is with a kind of surprize that I have heard what pass'd betwixt that noble Duke and the noble Lord who spoke last. In the mean time it is no hard matter to foresee that this convention must employ a great deal of our time. The noble Lord who spoke last has so penetrating a head, his intelligence is so good, and he has been so long us'd to affairs of this kind, that I have no doubt his Lordship is already acquainted what the terms of this convention are. The noble Duke, my Lords, besides all these advantages, has that of having actually seen this transaction, and no doubt has had a great hand in concluding it; so that I do not wonder if both these noble Lords are for delaying our reading it for some days longer. But, my Lords, as I own my
‘ comprehension

‘comprehension is but very small, and my curiosity very great, I think we cannot do better than to have it read now for the first time, and to delay the second reading to the day moved by the noble Lord. This, my Lords, in my judgment, would have two good effects: In the first place, Lords can see what the nature and tendency of this convention are, and they who are hitherto unacquainted with it, will have some time to make reflections upon it, and will come more ripe for debating it, if there is occasion, on the second and third reading. In the next place, my Lords, no Lord here can be ignorant that very odd things have been said, and I believe very groundless surmises have been spread abroad, with regard to this convention. These reports, my Lords, cannot fail to have made a considerable impression on the minds of many of his Majesty’s subjects, and the longer, my Lords, such impressions are suffered to remain, the more difficult it is to remove them. Therefore, my Lords, as I believe the convention will very much disappoint the mean opinion the world has now of it, I think the sooner it is made known to the publick, the better. This, my Lords, is my opinion, I ask pardon if I am in the wrong; I do not know the noble Duke’s or the noble Lord’s motives for delaying the reading the convention; I have not the honour to be in either of the noble Lords secrets. I speak my own sentiments; I speak after no body; and besides the reasons, my Lords, I have given for reading the convention just now, I have another, which is the gratifying my own curiosity, which, I own to your Lordships, is upon this occasion wound up to a very high pitch.’

This motion was thought so very reasonable, that the former motion was retracted, and the convention was read for the first time.

February 9. The Lord *Delawar* stood up in the house of Lords and spoke as follows:

My Lords,

Lord *Delawar*'s speech
against a satire,
intituled,
MANNERS.

It is with an equal mixture of concern and indignation, that I observe the best and the most valuable privileges of the subjects prostituted to the most infamous purposes. The hand of the legislature has been, as yet, tender of reforming this abuse, lest, in endeavouring to restrain licentiousness, liberty might be affected. But, my Lords, the reason of my rising up is, perhaps, one of the most flagrant instances of abuse and virulence that this age has seen. It is true, that I believe no man in the nation will say, that the least ground has been afforded by the noble Lords, whose characters are attack'd in the infamous libel I have in my hand, for treating them in such a manner as the libeller has done; but, my Lords, if we should suffer such flagrant insults upon our order and dignity to pass uncensur'd, it will be thought without doors, either that we deserve them, or that we dare not punish them. My Lords, it is necessary to make some examples of our justice sometimes; your Lordships have a right to vindicate your own dignity, and, as you see cause, to punish those who offend against any of the members of this house. We have many precedents for this, my Lords, and our exercise of this power has always had a good effect.

I have in my hand, my Lords, a paper, entitled, *Manners*; a satire: By Mr. *Whitehead*: Printed for R. *Doddsley*, at *Tully's Head*, *Pall-Mall*: Which I conceive to be highly reflecting

‘ing upon the characters of several noble Lords
 ‘in this house: But as our forms generally di-
 ‘rect us to hear what the parties offending have
 ‘to say for themselves, I shall only at present
 ‘make a motion, That the author and printer of
 ‘this paper be ordered to attend at your Lord-
 ‘ships Bar on *Monday* next.’

On *Monday* the 12th of *February*, the person whose business it was to summon the above printer and author, having inform’d the house that they both waited at the door, a motion was made, that the paper should be read by the clerk, which was accordingly done; and the question being then put, That the said paper was a false, scandalous, and malicious libel, and contained divers matters highly reflecting upon some of the members of that house, the same was unanimously agreed to.

The author was then ordered to attend; but the door-keeper informing the house that he was not there, the above summoner or messenger was call’d in, and examin’d by the house, if he had duly executed the order of the house? He answer’d, that he had been at the author’s house, and that not finding him at home, he left the order for his attendance with his maid, who had promised to deliver it. It was then moved, That the said author not attending, he should be taken into the custody of the usher of the black rod.

Upon which the Earl of *Abingdon* spoke as follows:

‘My Lords,

‘There is no Lord in this house more averse
 ‘to encouraging any tendency towards a spirit
 ‘of licentiousness, especially when it may be

Earl of *Abingdon*’s
 speech.

‘ thought to affect any of your Lordships, or
 ‘ more ready to give his vote for punishing the
 ‘ authors, than myself: But, my Lords, a doubt
 ‘ arises within me just now, from what your
 ‘ Lordships officer told the house. He said,
 ‘ my Lords, that he did not meet with the au-
 ‘ thor, and that he had left the order with his
 ‘ maid. My Lords, my doubt is, whether we
 ‘ can, consistently with justice and the forms of
 ‘ the house, proceed to order this man into
 ‘ custody, if the order for his attendance was
 ‘ not personally serv’d upon him.’

The Lord *Delaware* said next:

‘ My Lords,
 ‘ It is great matter of surprize to me, that
 ‘ the noble Lord should entertain the least doubt
 ‘ upon this Head. If once we should admit it
 ‘ to be necessary that every person, who is or-
 ‘ dered to attend here, should be personally sum-
 ‘ mon’d, I believe very few of your Lordships
 ‘ orders would be regarded. It would be easy,
 ‘ my Lords, for one who is conscious that he
 ‘ has done amiss, to keep out of the way, and
 ‘ to elude the diligence of your officer. And
 ‘ what passes in this house is not so secretly
 ‘ transacted, but that an offender may soon know
 ‘ the proper time for absconding. Besides, my
 ‘ Lords, there is nothing more ordinary than to
 ‘ order offenders into the custody of the usher
 ‘ of the black rod, tho’ they have not been per-
 ‘ sonally serv’d with your Lordships order.’

Lord *Delaware*
 ‘s speech.

Upon this the motion was unanimously agreed to.

The printer was then call’d to the bar of the house, and upon the several questions being put

to him, he inform'd the house, that the author whose name was prefixt to the poem sent for him to his house, and that he agreed with him to print the said poem ; that he did not look into the contents of it, but that imagining there might be something in it, as he saw it was a satire by its title-page, that might be laid hold of in law, he insisted that the author should affix his name to it, and that he then printed it.

A motion being then made, That the printer should be taken into custody of the usher of the black rod, the Lord *Carteret* rose up and spoke as follows.

‘ My Lords,

‘ I don’t think myself at liberty to vindicate
 ‘ either the printer’s or the author’s innocence in Lord Carteret’s speech.
 ‘ this affair, especially as your Lordships have
 ‘ already pass’d your censure upon the paper
 ‘ that gave rise to this motion. But, my Lords,
 ‘ it may not be always expedient to go to the
 ‘ rigour of justice, especially in a case that may
 ‘ by some be thought to affect the liberty of the
 ‘ press. Therefore I think your Lordships ought
 ‘ to temper your severity to this poor man, who
 ‘ is so unfortunate, as, I believe, undesignedly to
 ‘ fall under your displeasure. I should be glad
 ‘ to know of any of your Lordships, if the au-
 ‘ thor had appeared, whether your Lordships
 ‘ would have proceeded to these extremities a-
 ‘ gainst the printer. My Lords, I believe the
 ‘ house would have thought it sufficient, if our
 ‘ censure had been inflicted upon one of the
 ‘ persons concerned ; I dare say your Lordships
 ‘ would have extended your indulgence a little
 ‘ to this man, who very probably was drawn in
 ‘ by the arts of the author to print this libel. I
 ‘ beg your Lordships would consider this. It is

‘ hard that this man should suffer for another
 ‘ man’s being contumacious ; he has, my Lords,
 ‘ shewn all due respect to your Lordships order,
 ‘ and it would sound harsh if your Lordships
 ‘ should inflict the same censure upon him that
 ‘ you would have inflicted upon the author, had
 ‘ he appear’d. I am far, my Lords, from ex-
 ‘ cusing either of them, but I hope the confide-
 ‘ ration of what this man’s fate would have
 ‘ been, had the author appear’d, will induce
 ‘ your Lordships to mitigate it now. I shall
 ‘ make no motion, my Lords, but I hope what
 ‘ I have thrown out may have some influence
 ‘ with your Lordships.’

The Earl of *Abingdon* spoke next to the following purpose :

Earl of *A-
bingdon’s*
speech.

‘ My Lords,
 ‘ I believe there are very few, or no instances,
 ‘ wherein your Lordships have proceeded with
 ‘ severity against a printer when the author was
 ‘ discover’d ; and I think it would be hard, if
 ‘ your Lordships were to make such a precedent
 ‘ at this time. In inferior courts, my Lords, it
 ‘ very seldom happens that printers suffer when
 ‘ the authors are known ; and I hope your Lord-
 ‘ ships will, on this occasion, proceed with that
 ‘ lenity which distinguishes this house more than
 ‘ all its other privileges.’

The Lord *Lovel* spoke next as follows :

Lord *Lovel’s*
speech.

‘ My Lords,
 ‘ I should be very willing to shew all indul-
 ‘ gence to one in this person’s circumstances, if
 ‘ I did not think his offence of such a nature as
 ‘ to admit of no mitigation. Libels of this
 ‘ kind are now grown so common, and appear
 ‘ with

' with so much impunity attending the authors,
 ' that they require an immediate check from the
 ' legislature. The noble Lords who spoke last,
 ' seem'd to think that, as this man was only the
 ' tool of the author, therefore we ought to par-
 ' don him. My Lords, as we have found the
 ' paper in itself to be a libel, the printer, in
 ' the eye of the law, and in equity too, is as
 ' guilty as the author. Were it not for the
 ' printers, these infamous papers would die be-
 ' fore they were made publick; it is the print-
 ' ing and publishing them that does all the mis-
 ' chief. The libel now in my hand is of a pe-
 ' culiar malignancy. It falls upon characters
 ' that are above envy itself to asperse, it throws
 ' out insinuations that none but the most cor-
 ' rupted heart could suggest; and, my Lords,
 ' if we neglected to punish every one whom we
 ' shall find to have had a hand in it, we do an
 ' indignity to ourselves. My Lords, the pub-
 ' lick, in cases of this nature, are generally fa-
 ' vourable to the offender; but this libel is of
 ' so virulent a nature, that, I dare say, there is
 ' not a gentleman in the kingdom who does not
 ' detest it. If the authors and publishers, there-
 ' fore, of such scandal are not punish'd, the pub-
 ' lick itself will blame us, and, indeed, I do
 ' not see what character or reputation is safe.'

The Lord Chancellor rose next, and spoke to this effect;

' My Lords,

' The liberty of the press is what I think Lord Chan-
 ' ought to be sacred to every *Englishman*, and, I cellor's
 ' dare answer for it, will ever be so to your speech.
 ' Lordships. But, my Lords, though the li-
 ' berty of the press is in every body's mouth,
 ' yet, I am afraid, there is nothing less under-

' stood than the nature of that liberty. My
 ' Lords, I have often desir'd an opportunity of
 ' delivering to your Lordships my sentiments,
 ' with regard to the liberty of the press; and
 ' as that expression has been mentioned in this
 ' debate, I think I cannot have a fairer oppor-
 ' tunity of doing it than the present: But I
 ' hope your Lordships beforehand will acquit
 ' me of any affectation to appear singular upon
 ' this occasion. I do assure you, my Lords, I
 ' shall speak my sentiments, and what occurs to
 ' me from the most mature reflection I am able
 ' to make upon the nature of our constitution
 ' and government.

' The liberty of the press, my Lords, is by
 ' most people, I know, taken for a liberty to
 ' publish every indecency of any kind against
 ' the most respectable persons, and the highest
 ' characters; and so strongly does this notion
 ' prevail, that a libeller is no sooner prosecuted,
 ' than a cry is immediately set up, that the li-
 ' berty of the press is endanger'd. But, my
 ' Lords, give me leave to say, that if the li-
 ' berty of the press consists in defamation, it
 ' were much better we were without any such
 ' liberty. My notion, my Lords, is that the
 ' words, *The liberty of the press*, are improperly
 ' us'd, to express a right, which is peculiar to
 ' the press, of publishing to the world any de-
 ' famatory matter to the prejudice of superior,
 ' inferior, or equal. My Lords, the laws and
 ' constitution of *England* know of no such li-
 ' berty, for that would be a liberty destructive
 ' of all laws, and all constitutions. How these
 ' words came to prevail, was, my Lords, in my
 ' opinion, in this manner: Before the art of
 ' printing was known in *Europe*, learning was
 ' confin'd to a very few. At that time, the
 ' transcribers and copiers of books were a very
 ' con-

‘ considerable body of men, and were under
‘ particular regulations by law. When printing
‘ was discover’d, these restrictions fell of course,
‘ and then every man was at liberty to commu-
‘ nicate at an easy expence, his labours and
‘ thoughts upon any subject to the whole world.
‘ This, my Lords, was found so very conveni-
‘ ent, that thence arose the words, *The liberty of*
‘ *the press*. That this is the natural original of
‘ these words, my Lords, will appear from con-
‘ sidering the nature of our laws, with regard to
‘ defamatory libels before printing was disco-
‘ ver’d, compar’d with what it is now. My
‘ Lords, before the discovery of printing, very
‘ strong statutes were made against defamation,
‘ which very statutes are still in force; and no
‘ man, my Lords, will shew me any one statute
‘ upon this head, that was in force before the
‘ discovery of printing, which has been since re-
‘ peal’d. From this, my Lords, I think it evi-
‘ dent, that by the expression, *The liberty of the*
‘ *press*, can never be understood any liberty
‘ which the press acquir’d, and which was un-
‘ known before the discovery of printing. This,
‘ I hope, your Lordships will find a fair and just
‘ way of reasoning, and, indeed, the only way
‘ on which we can reason on this subject. If
‘ any Body, my Lords, is of opinion, that au-
‘ thors acquir’d any new privileges or liberties
‘ when printing was discover’d, he ought to
‘ prove, my Lords, either that the old statutes
‘ on that subject were repeal’d, or that new ones
‘ were made in its favour; which, I will ven-
‘ ture to say, no man can do. It is true, my
‘ Lords, that in some reigns very great restraints
‘ have been laid upon the press, and very great
‘ severities have been inflicted on authors and
‘ printers, for publishing that which would now
‘ pass current. But this never proves that the
‘ laws

‘ laws relating to defamation were bad laws, it
 ‘ only proves that they were abused by power.
 ‘ I am very sensible, my Lords, of how much
 ‘ use the press was at the time of the Revolution;
 ‘ but the authors who wrote at that time
 ‘ on the side of liberty, avanc’d nothing that
 ‘ was not agreeable to the constitution; they
 ‘ were warranted by law for what they wrote,
 ‘ and they had the sense of the nation on their
 ‘ side. Besides, my Lords, there is a great difference
 ‘ betwixt an author’s writing on a speculative
 ‘ subject, on which he thinks he has something
 ‘ to communicate that may be of service
 ‘ to the world, and an author’s falling foul on
 ‘ all mankind because they are not of his way
 ‘ of thinking. The authors on the side of the
 ‘ Revolution, my Lords, communicated their
 ‘ sentiments with the greatest deference to the
 ‘ persons and characters of their superiors, un-
 ‘ mixt with personal calumnies, or virulent re-
 ‘ flexions. Therefore, my Lords, it is a ground-
 ‘ less cry against the government, when a libel-
 ‘ ler is punish’d, to compare the conduct of this
 ‘ government to that before the Revolution, un-
 ‘ less those gentlemen can prove, to the satisfac-
 ‘ tion of a jury, that they write with as much
 ‘ caution, and with as much decency, as the
 ‘ writers who in the reigns of King *Charles II.*
 ‘ and King *James II.* wrote on the principles of
 ‘ liberty.

‘ Having said thus much, my Lords, I cannot
 ‘ help taking notice of another very common
 ‘ mistake, with regard to the freedom which
 ‘ some gentlemen think themselves entitled to,
 ‘ in censuring the conduct of their superiors.
 ‘ My Lords, this is a freedom unknown to
 ‘ our constitution, and subversive of our known
 ‘ statutes, because a great part of our laws
 ‘ are intended for the relief of any person

‘ person who is injured by another. Any person, my Lords, who is injured by another, were this last the greatest subject in the kingdom, has the courts of justice open for his relief, and he has a jury who will do him justice according to the nature of his case, and then the law is satisfied. No man, my Lords, is at liberty by our laws to carry his resentment farther, because, if he carries it farther, he carries it beyond law. From this, my Lords, it is plain, that whoever attempts to attack any man’s character, by writing or publishing defamatory libels, is guilty of a trespass, and can plead no mitigation of his crime, either from the nature of our constitution, or the tenor of our laws. My Lords, I am sensible this doctrine sounds odd, at a time of day when the people under the notion of liberty are quite intoxicated with a spirit of licentiousness. But, I know, I speak in an assembly where nothing is approv’d or condemn’d before it is thoroughly weigh’d; and the longer, my Lords, your Lordships weigh what I have advanc’d, I am convinc’d, your Lordships will think it the more reasonable. The libel we are now upon is of the more virulent quality, in that it was impossible any of the subjects of the libel could give any just ground of provocation to the author. My Lords, I do not believe any of the noble Lords, attack’d by this impudent libeller, so much as know him by sight, far less have had any manner of opportunity to injure him. This, my Lords, is an aggravation of his offence; such a behaviour can proceed from nothing but a wantonness of malice, and therefore, I think, deserves all the severity of your Lordships censure.’

The

The Lord *Talbot* then spoke as follows:

‘ My Lords,

Lord *Talbot*'s speech.

‘ The liberty of the press is what I hope never to hear distinguish'd away. I believe every Lord here is sensible that it is in a great measure owing to the liberty of the press, that this day we enjoy any liberty at all. I do not speak in defence of the author or printer of this paper, for, if it is such a libel as some Lords have represented it, I think no honest man will defend them. But, my Lords, the noble Lord who spoke last has himself furnish'd me with, what I think is a very strong argument, why we ought not to proceed against them in this manner. The noble Lord said, that when the meanest subject was aggriev'd by the greatest man in the kingdom, the courts of justice are open for his relief from them. My Lords, if it is so, in heaven's name, let those aggriev'd by this libel have their recourse to the inferior courts of justice, and don't let such a charge lie against us, that we were judges, juries, and parties in the same affair.’

The question being put, it was carried in the affirmative, on a division of 33 against 72.

Motion for keeping up the army.

February 14th, the house of Commons having resolved itself into a committee of the whole house, to consider of the supply granted to his Majesty, a motion was made for resolving, That the number of effective men to be provided for guards and garisons in *Great Britain*, and for *Guernsey* and *Jersey*, for the year 1739, be (including 1815 invalids, and 555 men, which the six independent companies consist of for the service of the *High-*
lands)

lands) 17,704 men, commission and non-commission officers included.

This motion being seconded, a motion was made and seconded, for an amendment, by inserting the words 12000, instead of the words 17,704. This occasioned a long debate, in which Sir *William Yonge* spoke as follows, Motion and debate for reducing it.

‘ Mr. Fane,

‘ Sir, As it is the business of this committee, Sir William Yonge's speech.
‘ not only to provide for the army, but to determine the number of forces that is to be kept up for the service of the ensuing year, I think it my duty to propose to you the number, which I think necessary for that purpose.

‘ It is at present, Sir, so evident, that we are in a precarious situation with regard to our affairs abroad, and that there is still, to our misfortune, subsisting amongst us, a restless and disaffected faction at home, that I should not think it necessary to say any thing in favour of the motion I am to make, if great pains had not of late been taken to persuade people, that there is no difference between a numerous standing army, kept up within the kingdom in time of peace, without consent of Parliament, which can never be kept up in such a manner, but with a view to destroy our liberties; and a proper number of regular forces kept up, from year to year, by authority of Parliament, for no other purpose but to preserve the tranquillity of the nation, protect us against our foreign or domestick enemies, and assist the civil magistrate in the due execution of the laws of the kingdom.

‘ As to the present circumstances of our affairs abroad, Sir, particularly with regard to *Spain*, it may be properly said, we are as yet in a state of war. The number of land forces we have kept up, and the powerful squadrons we have from
‘ time

time to time fitted out, have, 'tis true, prevented that nation from coming to an open rupture with us; and have, at last, compelled them to agree to a reasonable convention, for settling all differences between the two nations in an amicable manner; but that convention can be said to be no more than a preliminary towards a future definitive treaty of peace: The principal differences between the two nations remain, as yet, to be adjusted by a future treaty, and if we keep ourselves in a proper posture of defence, I do not doubt but that they will be adjusted to our satisfaction; but it was never yet heard, that either of the parties engaged in war, began to disband their armies, as soon as the preliminary articles for a treaty of peace were agreed on. In such a case, both parties rather increase than diminish their forces, in order to convince the other, that they are ready to continue or to recommence the war, in case the preliminaries should not, in due time, be carried into execution, by an equal and solid treaty of peace. Therefore, if we duly consider the present circumstances of our affairs abroad, we must resolve to keep up the same number of land forces we had last year.

Then, as to our affairs at home, Sir, can any one say that the number of the disaffected and seditious is less than it was last year? Can any one say that they are more quiet, or less apt to take the first opportunity for raising civil wars and commotions in their native country? Sir, the many virulent, false and seditious libels, that are daily published against his Majesty and his government, are sufficient testimonies, that the disaffected are neither less numerous, nor more inclined to remain quiet, and submit to that government, which protects them in the free enjoyment of what they possess, or can earn by their

‘ their industry, than they were last year. It is
‘ amazing to think, what an infinite number of
‘ infamous libels are daily, weekly, monthly, and
‘ occasionally, printed and dispersed through the
‘ whole kingdom, highly reflecting upon his Ma-
‘ jesty, and upon every man he is pleased to em-
‘ ploy in conducting the publick affairs of the na-
‘ tion. When we reflect upon it, we cannot but
‘ admire the lenity of his Majesty’s government,
‘ and the patience and good nature of almost eve-
‘ ry man that has any influence upon his counsels.
‘ With regard to printing and publishing, no man
‘ can say, that the disaffected and seditious amongst
‘ us, have of late years kept themselves within
‘ the bounds of decency; but if it were not for
‘ the number of land forces we keep up, we could
‘ not expect that they would keep themselves
‘ within the bounds of law. They would openly,
‘ and in defiance of the civil magistrate, transgress,
‘ in the most flagrant manner, the known laws of
‘ the kingdom; because it would be impossible for
‘ any civil magistrate to put the laws in execution
‘ against them; the consequence of which would
‘ certainly be anarchy and confusion; and this
‘ would as certainly end in a dissolution of our
‘ constitution, and an establishment of arbitrary
‘ power. Of this we have a recent example but
‘ in the last century, which ought to be a warning
‘ to us, not to leave our government destitute of
‘ those means, which are necessary for supporting
‘ it against the disaffected and seditious, as well as
‘ against those who are fond of changes, and of
‘ new-modelling our constitution. Therefore,
‘ whilst there is such a faction amongst us, we
‘ ought to keep up such a number of land forces,
‘ from year to year, by authority of Parliament,
‘ as may be sufficient for keeping that faction, if
‘ not within the rules of decency, at least within
‘ the bounds of law; and as that faction cannot
‘ be

‘ be said to be now less numerous, or less turbulent, than they were last year, we must resolve
‘ to keep up the same number of land forces for
‘ the year ensuing.

‘ To this I must add, Sir, that as a reduction
‘ of our army would increase the hopes of the disaffected and seditious, and consequently make
‘ them more apt to raise publick disturbances, or
‘ to join with any foreign power for that purpose,
‘ it would of course derogate from the authority,
‘ and diminish the weight of our negotiations at
‘ foreign courts, and would make such of them,
‘ as had any disputes with us, more haughty in
‘ their behaviour towards us, and more obstinate
‘ in their demands; for we could expect no regard
‘ or esteem from our foreign enemies, if our government were in so weak a condition, as not
‘ to be able to keep its domestick in awe. They
‘ would insist upon high demands, and would
‘ make no compliances, because they would expect
‘ that our government would grant them any
‘ thing, rather than come to an open rupture; and
‘ because they would suppose that, if contrary to
‘ their expectations, we should come to an open
‘ rupture, they would be able to prevent us from
‘ doing them any mischief, by giving our government enough to do to defend itself against the
‘ disaffected party at home, encouraged by the
‘ weakness of our government to rebel, and supported by the supplies, which our foreign enemies might send from time to time to their assistance.

‘ From hence, Sir, we may see the disadvantage
‘ we would be under, by not keeping up a sufficient body of regular troops, with regard to our
‘ enemies, or such foreign states as we may have
‘ any disputes with; and with regard to allies, we
‘ could not expect to have any; for as all alliances
‘ are established upon the mutual advantage or security

‘ security of the two contracting parties, and can be
‘ no longer preserved, than while that advantage
‘ or security continues mutual, what advantage or
‘ security could any state in *Europe* expect from
‘ this nation, if our government, so far from hav-
‘ ing any regular troops, to send to their assistance,
‘ had not a sufficient number to protect itself a-
‘ gainst domestick enemies? In such a case, ’tis
‘ certain, no foreign nation could expect any ad-
‘ vantage or security from an alliance with this na-
‘ tion, and consequently would neither stipulate to
‘ give us any assistance, nor perform any of the
‘ stipulations they have already made for that pur-
‘ pose; which would be an additional encourage-
‘ ment for those that are now our enemies, or that
‘ may hereafter become our enemies, to insult us
‘ in every part of the world.

‘ Thus, I think, Sir, it is plain, that we must
‘ necessarily keep up a sufficient number of land
‘ forces, at least for this ensuing year; and as
‘ our circumstances are now, in every respect,
‘ the same they were last year, no less number
‘ can be supposed to be sufficient for the ensuing
‘ year, than what was deemed necessary by last
‘ session of Parliament, for the service of the
‘ year now near expired. Though we have made
‘ a step, and I hope it will be a successful one,
‘ towards establishing a solid and lasting peace,
‘ yet it must be acknowledged, that our affairs
‘ abroad are as yet in a very uncertain situation;
‘ and as to our affairs at home, we find the libels
‘ published against the government as numerous
‘ and as virulent, and mobs and riots among the
‘ people as frequent, as they were about the be-
‘ ginning of last session of Parliament, or, in-
‘ deed, as ever they were in this or any other
‘ nation, where there was a certain form of go-
‘ vernment regularly established.

‘ But, Sir, whatever number of land forces
 ‘ you may think sufficient for the ensuing year, as
 ‘ long as they are kept up by authority of Parlia-
 ‘ ment, and from year to year only, they must
 ‘ be widely different from a standing army, kept
 ‘ up without any such authority. For, as the
 ‘ keeping up of a standing army in time of peace,
 ‘ but for one day, without the consent of Parlia-
 ‘ ment, is of itself an invasion upon our consti-
 ‘ tution, such an army can be kept up for no
 ‘ other purpose but to destroy our constitution, in
 ‘ order to secure those who have, by so doing,
 ‘ made an invasion upon it, against that punish-
 ‘ ment which is due to them for transgressing the
 ‘ most fundamental laws of their country. Where-
 ‘ as a sufficient number of regular troops, kept
 ‘ up by authority of Parliament, and from year
 ‘ to year only, can be kept up for no other end,
 ‘ but to preserve our constitution; because the
 ‘ Parliament will never consent to the keeping up
 ‘ of a greater number than is sufficient for that pur-
 ‘ pose; nor will they consent to the keeping up
 ‘ of any number longer, than it appears absolute-
 ‘ ly necessary for preserving the constitution, and
 ‘ defending us against our foreign and domestick
 ‘ enemies.

‘ For these reasons, Sir, I must think the least
 ‘ number we can propose to keep up for the en-
 ‘ suing year, for guards and garisons in *Great*
 ‘ *Britain*, and for *Guernsey* and *Jersey*, must be
 ‘ (including 1815 invalids, and 555 men, which
 ‘ the six independent companies consist of for the
 ‘ service of the *Highlands*) 17,704 men, commis-
 ‘ sion and non-commission officers included.’

As debates upon this subject have been often
 before communicated to the publick, we shall
 give no more of the speeches that were made
 upon this occasion, except only the two follow-
 ing,

ing, viz. That made by *John Talbot*, Esq; which was in substance thus:

‘ Mr. Fane,

‘ Sir, I must say, I am not a little surprized at the motion I have now heard made to you. Mr. Talbot's speech,
 ‘ When the preliminary convention between this nation and *Spain* was laid before us, I perused it with great attention, in order to see what advantages we had got by it, and when I could find no one advantage we had got, with regard to the disputes between the two nations, I concluded that our ministers had got some private assurances from *Spain*, that all would be set right in a short time, by a definitive treaty of peace, and that they had in the mean time agreed to this preliminary treaty, and a suspension of arms, with a view to save ourselves some expence, by a reduction of our land forces.

‘ *Spain* has, 'tis true, Sir, for many years, been in a state of war against this nation, though we have never once committed any real hostility against them. But after the moving application that was made last year to Parliament, after the strong resolutions both houses then came to, and after the expensive preparations we made last summer, I did imagine, that we were, at last, resolved to begin hostilities in our turn; and when I heard that a treaty was on foot, I concluded that *Spain* had been so wise as to apply to us for a suspension of hostilities, and for that purpose, had proposed to make such concessions, by preliminary articles, as might serve for the basis of a solid and honourable treaty of peace.

‘ In treaty-making, Sir, it is usual to leave such articles as require a long discussion, to be settled afterwards by commissaries; but preliminaries to a treaty, between two contending
 O 2 nations,

' nations, are never concluded, at least, they are
 ' seldom formally and solemnly agreed on, except
 ' when one of the parties is afraid of suffering by
 ' an open rupture, or by a continuance of the
 ' war. When this is the case, the party in dan-
 ' ger applies for having a suspension of arms
 ' upon certain preliminaries, and generally offers
 ' to give some pledge, as a security for their per-
 ' formance of such preliminaries as shall be agreed
 ' on. Most of us remember, that the treaty of
 ' *Utrecht* was preceded by preliminaries, and a
 ' suspension of arms between *France* and us; but
 ' then, as we were in no danger, by a con-
 ' tinuance of the war, we would agree to neither,
 ' till *France* put *Dunkirk* into our hands, as a
 ' pledge for her performance of the preliminaries.
 ' This, I say, was the method of treaty-making
 ' at the time of the treaty of *Utrecht*, and, I be-
 ' lieve, for all ages before that time; but what
 ' has been our method since that time, I cannot
 ' take upon me to say: So far, however, I may
 ' say, that whatever has been our method of
 ' treaty-making since that time, and God knows
 ' we have made enough of them, we have got
 ' nothing by it; for, if we have preserved our-
 ' selves in a sort of peace, we have made no ad-
 ' vantage of that peace: Our taxes are more nu-
 ' merous, and our publick debt as great, as it was
 ' at the end of the war; and, I believe, our
 ' trade is not near in such a flourishing condition
 ' as it was during the war.

' Therefore, Sir, I cannot say that I entirely
 ' depended upon our having observed the usual
 ' method of treaty-making; but for the sake of
 ' my country, I hoped we had; and as I could
 ' not suppose that we were in danger of being
 ' sufferers by an open rupture with *Spain*, I con-
 ' cluded, that by the preliminary convention, I
 ' heard talk'd of, they had agreed to make some
 ' general

‘ general concessions with regard to the disputes
‘ between us, and to put some pledge into our
‘ hands, as a demonstration of their sincerity,
‘ which, I am sure, we have had great cause to
‘ doubt of, for almost these twenty years past.

‘ But when I saw this convention, how greatly
‘ was I disappointed! Instead of their making
‘ concessions to us, we have made, I think, most
‘ dangerous, I shall not say dishonourable, con-
‘ cessions to them, and have got nothing in re-
‘ turn, no not so much as a suspension of their
‘ usual hostilities. Instead of their giving us a
‘ pledge, we have given one to them, by agreeing
‘ that things shall remain in *Florida* and *Carolina*,
‘ in the situation they are in at present, without
‘ increasing the fortifications there, or taking any
‘ new posts. In short, Sir, by this convention,
‘ *Spain* has not agreed even to suspend hostilities,
‘ yet we have agreed not to provide for our de-
‘ fence, from whence it would seem, as if we
‘ had sued to *Spain* for a suspension of arms,
‘ upon any preliminaries they might think fit to
‘ prescribe; and yet I cannot think the nation
‘ had any reason to be afraid of an open rupture
‘ with *Spain*, whatever some persons amongst us
‘ may have; for, from our agreeing to such
‘ preliminaries, I must either think that there are
‘ some persons amongst us that are most terribly
‘ afraid of it, and are therefore willing to yield to
‘ any thing, rather than come to an open rupture
‘ with that nation; or I must think, as I have
‘ said, that our ministers had some private assu-
‘ rances of the court of *Spain*’s being inclined to
‘ do us justice, in a short time, by a definitive
‘ treaty, and that they accepted of these prelimi-
‘ naries, with a view of saving something to the
‘ nation, by a reduction of our land forces for
‘ this ensuing year.

' Now, Sir, as I always judge charitably, I
 ' supposed that this last was the case, and there-
 ' fore when the honourable gentleman, who
 ' made this motion, stood up, I expected an ele-
 ' gant panegyrick upon the wisdom of our late
 ' measures, and the great care that was taken to
 ' embrace every opportunity of saving expence
 ' to the nation, for no man is more capable than
 ' he; and I expected that he would have con-
 ' cluded with a motion for no more than 12,000
 ' men for the ensuing year, as an earnest of the
 ' benefits we are to reap by this new convention,
 ' and as a proof of the assurances the honourable
 ' gentleman's friends have of the just and good
 ' inclinations his Catholick Majesty has towards
 ' this nation. This, I say, was what I expect-
 ' ed; but how much was I surprized, when
 ' I heard him begin to argue for the same num-
 ' ber of land forces that were voted last year, at
 ' a time when every man, at least every man that
 ' was not in the secret, imagined we were upon
 ' the brink of a furious war!

' If we have no dependence upon this treaty,
 ' Sir, why was it made? For 'tis impossible,
 ' since the time it was ratified, we could have
 ' had cause to alter our sentiments. If we have a
 ' dependence upon it, why not make the proper
 ' advantage of it, by lessening the publick ex-
 ' pence? Every one knows that our land forces
 ' have no influence upon the counsels of *Spain*:
 ' It is our naval force they are afraid of: That
 ' we have already reduced; and, therefore, if it
 ' be said that *Spain* must be frightened into a per-
 ' formance, as well as they were frightened into
 ' the treaty, we have begun at the wrong end.
 ' But I cannot have such an opinion of such a
 ' wise administration: From the reduction of our
 ' naval force I must conclude, that they are
 ' assured of *Spain's* being inclined to do us justice
 ' by

by the definitive, though they have done us none by the preliminary treaty; and, therefore, the circumstances of our affairs abroad, can be no argument for our keeping up the same number of land forces we had last year; nor can it be said, our foreign affairs are in the same situation they were the beginning of last session of Parliament: We had then no preliminary treaty, nor any assurances of a satisfactory definitive treaty: Now we have both, or otherwise the honourable gentleman's friends have transgressed the rule he himself has laid down; for they have already begun to disband their armies, and those armies too which are the only effectual armies against *Spain*, I mean our squadrons of men of war. Let us then follow their example: The honourable gentleman will, I hope, admit we cannot follow a better: Let us begin to reduce our land forces.

But suppose, Sir, we were still in a precarious situation with regard to our affairs abroad, can it be thought, that our influence at foreign courts depends upon the number of land forces we keep in continual pay? No, Sir, our influence depends upon the riches and numbers of our people, and not upon the number of our regular regiments, or the appearance they make at a review. We have many thousands that would make as good an appearance in the day of battle, if their country were in danger, though they are not at present masters of all the punctilios proper only for a review. We have a navy, which no nation in the world can equal, far less overcome, by which we may carry the dread of this nation into every country that is visited by the ocean: And we have money, notwithstanding the bad use we have made of a long peace, to hire as many foreign troops as we can have occasion for, and to sup-

' port them as long as we can have any service
 ' for them. Therefore, while we are unanimous
 ' amongst ourselves, while our government pos-
 ' sesses the hearts and affections of the people in
 ' general, which every virtuous and wise govern-
 ' ment must necessarily do, this nation must al-
 ' ways have great influence upon the counsels of
 ' every court in *Europe*, nay of every court in
 ' the world, where it is necessary for us to extend
 ' our influence.

' From hence we may see, Sir, that in this na-
 ' tion, we can never have occasion for keeping
 ' up a great number, or any number, of regular
 ' troops, in order to give weight to our negotia-
 ' tions; and, if any power in *Europe* should re-
 ' fuse to observe or perform the treaties they have
 ' made with us, we ought not to seek for redress
 ' by negotiation: We may make a demand, but
 ' it is beneath the dignity of a powerful people to
 ' sue for justice. Upon the first refusal, or affect-
 ' ed delay, we ought to compel them, not by
 ' keeping an army at home, which would be ridi-
 ' culous, but by sending an irresistible fleet, with
 ' an army on board, to ravage their coasts; or
 ' by getting some of their neighbours, with our
 ' assistance, to attack them; both which will always
 ' be in the power of every government of this
 ' country, that preserves their influence abroad,
 ' by preserving the affections of the people at
 ' home; and that, without keeping any number
 ' of regular troops always in pay; for whilst the
 ' spirit of liberty, which is the nursing-mother of
 ' courage, is preserved amongst our people, we
 ' shall never want a great number of brave men,
 ' of all degrees, amongst us, that will be ready
 ' to venture their lives in the cause of their coun-
 ' try; and such men may, in a few weeks, be
 ' sufficiently disciplined for action, though they
 ' might not, perhaps, observe all the punctilios

‘ so exactly as a parcel of idle mercenary fellows,
‘ who have had nothing perhaps to do for seven
‘ years together, but to dance through their exer-
‘ cises.

‘ The keeping up of a standing army, in this
‘ nation, can never therefore be necessary, either
‘ for preserving our influence amongst our neigh-
‘ bours, or for punishing such of them as shall
‘ offend us; and with respect to our own defence,
‘ as we have no frontier but the ocean, while we
‘ preserve a superiority at sea, a popular govern-
‘ ment in this country can never be under the
‘ least necessity of keeping up any land forces,
‘ especially if they would take care to have our
‘ militia but tolerably armed and disciplined; for
‘ no nation will be mad enough to invade us,
‘ while we are united among ourselves, with a
‘ handful of troops, who must either all die by
‘ the sword, or be made prisoners of war, be-
‘ cause we could, by means of our navy, pre-
‘ vent their being able to return. And, if any
‘ of our foreign neighbours should prepare to in-
‘ vade us with a great fleet and a numerous army,
‘ we would not only have time to prepare for
‘ their reception, but we might lock them up in
‘ their ports, by means of our navy, or we
‘ might give them enough to do at home, by
‘ stirring up some of their neighbours upon the
‘ continent to invade them.

‘ Thus, it appears, Sir, that no government in
‘ this island can ever have occasion for keeping up
‘ a standing army in time of peace, unless it be to
‘ subdue the liberties of the people. This, every
‘ man in the kingdom, whose judgment is not
‘ biassed by his hopes or his fears, must be sensible
‘ of; and therefore, every government that does
‘ keep up a standing army in time of peace, whe-
‘ ther with or without the consent of Parliament,
‘ must forfeit the affections of the people. Then,
‘ indeed,

indeed, a standing army becomes necessary for the support of that government, not against foreigners, but against their native country; but no army, even the greatest they can keep up, will give them an influence at foreign courts, or an authority among their own people. Abroad they will be despised, at home they may be dreaded, but they will be hated; and, in that case, a small handful of foreign troops, thrown into any corner of the island, might be of the most dangerous consequence to the government, because they would be joined by the whole people, and perhaps, by a great part of the army.

To pretend, Sir, that there is still a great disaffected party amongst us, is, I am sure, no compliment to his Majesty, or to his illustrious Family; and therefore I wonder to hear any gentleman, that has the honour to serve the crown, insist upon it. There are, 'tis true, many discontented, but few or none disaffected; and the discontents that are so general amongst us, proceed from our having so long kept up a numerous standing army, and from some other measures I could mention. Change but your measures, reduce your army, put a confidence in the people, and the discontents will soon vanish, your people will put a confidence in you, and will be a better safeguard for the government, than any army that can be kept up. Your foreign enemies will then fear you, and your friends will respect you; because the former will be afraid of that vengeance, which they know you are able to pour down upon them, and the latter will depend upon that assistance, which they know you are capable to give. If any of our allies should want land forces for their assistance, we can hire as many foreign troops for their service as they may stand in need of: If we could not hire such troops, we could soon raise a body of troops within

‘ within our own dominions, though we had not
‘ a regular standing regiment in the kingdom; and
‘ we could transport them by our fleet, wherever
‘ our allies might stand most in need of them.
‘ By our alliances, I know, we sometimes engage
‘ to send a body of troops to the assistance of our
‘ allies; but I do not remember, we ever engaged,
‘ that those troops should be all subjects of *Great*
‘ *Britain*, or that they should be such as we had
‘ kept in pay for several years preceding. There-
‘ fore we may perform our engagements to our
‘ allies, and may afford them a proper support and
‘ assistance, without keeping a standing army al-
‘ ways in pay.

‘ I shall grant, Sir, that the keeping up of a
‘ numerous standing army in time of peace, by
‘ authority of Parliament, is not contrary to law;
‘ but I will aver, that it is contrary to, and incon-
‘ sistent with our constitution. If some future ve-
‘ nal Parliament should pass a law for enabling the
‘ King to impose taxes, and raise money by pro-
‘ clamation, the money so raised would not be
‘ raised contrary to law, but surely it would be
‘ contrary to our constitution. To tell us, that
‘ the Parliament will never consent to the keeping
‘ up of a greater number of land forces, than is
‘ sufficient for preserving the constitution, or that
‘ they will never consent to keep up any number,
‘ longer than it appears necessary for defending us
‘ against foreign or domestick enemies, is to tell us
‘ what no man can answer for. Suppose there
‘ should be a majority in each house of Parliament,
‘ consisting of officers of the army, and other in-
‘ struments of an administration; can we suppose
‘ that such a Parliament would have any regard to
‘ the preservation of the constitution, if it should
‘ appear to be inconsistent with the preservation of
‘ the minister upon whom they depended? And
‘ suppose we had the misfortune to have, at that
‘ time,

‘ time, a prime minister, contemned abroad, and
 ‘ hated by every man at home, except those who
 ‘ were his immediate tools; can we suppose that
 ‘ such a Parliament would not give their consent
 ‘ to keep up a standing army, not for preserving
 ‘ the constitution, but for preserving the minister,
 ‘ by destroying the constitution?

‘ Sir, a numerous standing army, kept up by
 ‘ authority of Parliament, is more dangerous to
 ‘ our liberties, than such an army kept up without
 ‘ any such authority; because in the latter case,
 ‘ the people would immediately see their liberties
 ‘ were struck at, and would therefore take the a-
 ‘ larm; but in the former, they would probably,
 ‘ by the interposition of Parliament, be lulled a-
 ‘ sleep, till their fetters were rivetted. This I have
 ‘ long endeavoured to prevent: This, while I live,
 ‘ I shall always endeavour to prevent; and there-
 ‘ fore I am now for reducing the army to 12,000
 ‘ men; for even that number, I think greater
 ‘ than is altogether consistent with the safety of
 ‘ our constitution. The very resolution this house
 ‘ comes to yearly, with respect to the number of
 ‘ our land forces, shews that it is. By the words
 ‘ of that resolution, we ought to have no march-
 ‘ ing regiments quarter’d up and down the coun-
 ‘ try, to the oppression of our innholders, victu-
 ‘ allers, and other publick houses, and to the de-
 ‘ bauching of the morals of all ranks of people.
 ‘ We ought to have none but guards and garisons.
 ‘ Our guards ought never to consist of above 4000
 ‘ men; and I should be glad to know where the
 ‘ garisons are in *Great Britain*, or in *Guernsey* or
 ‘ *Jersey*, that require no less a number than 8000.
 ‘ Therefore we ought to alter the words of our
 ‘ resolution, or we ought to reduce our army even
 ‘ below 12,000. However, as other gentlemen
 ‘ seem willing to allow 12,000 for the service of
 ‘ this

‘ this ensuing year, I shall not be against that
‘ number.’

The other speech, and the last we shall give upon this subject, was made by *George Lyttleton*, Esq; who spoke to this effect, viz.

‘ Mr. Fane,

‘ Sir, I am really surprized at the silence on one ^{Mr. Lyttle-}
‘ side of the house. — Sure this question is of ^{ton's speech.}
‘ importance enough to deserve a debate. — How
‘ great an evil soever a standing army may be,
‘ this way of treating such a question is worse; it
‘ is the highest contempt of the constitution ima-
‘ ginable. — Sir, if we go on thus, will people
‘ be silent out of doors too? I wish they may;
‘ for if they talk of our proceedings, they will
‘ talk in a language that won't be much for the
‘ honour of the house.

‘ Sir, as a good deal has been said about the a-
‘ buse of the press, by one of the very few gen-
‘ tlemen who have deigned to speak in this debate,
‘ I beg to be indulged in a few words upon that
‘ article. — A free examination of all measures of
‘ government, and of the characters of ministers,
‘ so far as their characters are inseparable from their
‘ measures, is the life of a free state. It is what
‘ no good minister will ever call an abuse of the
‘ press; it is what no good minister would desire to
‘ restrain. But attacking the private character of a
‘ minister, or magistrate, his private defects or frail-
‘ ties, in which the publick is not concerned, this,
‘ indeed, is libellous, and this cannot be justified:
‘ Nor can abuse thrown out upon private persons,
‘ be excused in those who are the dirty tools of
‘ calumny, or in the more dirty patrons who em-
‘ ploy and pay such tools: This, Sir, is infamous,
‘ and this should be restrained. But how restrained?
‘ By contempt, by disregard of it, by a fair and
‘ safe

• safe appeal to the candid sense of mankind; or
 • in very flagrant cases, by the due course of justice and law: Not by strains of authority, not
 • by star-chamber work, not by the extraordinary
 • exercise of discretionary powers, from which the
 • guilty and the innocent may suffer alike: This
 • should be carefully avoided in a country of freedom, not for the sake of these writers, but for
 • the sake of the constitution, for the sake of liberty, and that the law of the land may be the
 • rule and measure of all mens security. But for
 • God's sake, Sir, how comes the abuse of the
 • press to be a point insisted on in the debate of to day? What has that to do with eighteen thousand
 • men? Are our dragoons to be licensers of the
 • press? I hope they are not.

• As to the uncertain situation of affairs abroad,
 • (that, I think, was the term used by the honourable gentleman over the way) I will say but
 • one word.—Why have we called home our
 • fleets? To deprive ourselves of the only means
 • we have of hurting our enemies, by recalling
 • our fleets upon the presumption of a peace, and
 • then to deprive ourselves of the fruits of a peace,
 • by keeping up our army to the number of last
 • year, is, I confess, a policy which I don't comprehend. Is this convention, which we have
 • concluded, something or nothing? Sir, I think
 • it worse than nothing; but, as there are some
 • gentlemen who speak very highly of it, if it
 • deserves their encomiums, I should be glad to
 • know, for what this number is ask'd? Why, to
 • support the peace, it seems.—To support it, Sir,
 • against whom? Not against ourselves I hope,
 • not against the nation. If the peace be what it
 • ought to be, we shall have no enemies, and it
 • will support itself; if it be bad and dishonourable, to have it supported by an army, is a sad
 • resource indeed: It is such a support as despair
 • only

only could want: It is such a support as I won't imagine possible.

But gentlemen say, it will give weight to our measures abroad.—What weight has it given? I appeal to experience. Is not the period of our keeping up this number of men, the most inglorious period of the *English* history? Has not every year been mark'd out by some new indignity, some new dishonour, some new proof of contempt? Have we been arm'd of late to any other purpose, than to make our tameness appear more ridiculous? For my own part, Sir, I must say, that were I determin'd to suffer myself to be *robb'd without any resistance*, I should think it was judging very ill, to travel with arms.

Sir, with regard to disorders at home, neither what has been said by the honourable gentleman who spoke just now, nor by another gentleman in my eye, who enlarged much upon them, has any weight in a question, whether 18,000 men or 12,000 should be the number kept up. For, surely, twelve thousand men are force enough to quell these rioters. But from what all those gentlemen have said, I draw a further conclusion, that for disorders of this kind, an army is not, cannot be the proper remedy, since the evil encreases under it, as experience proves.—The proper remedy is giving authority to the law; and this can only be done by right measures of government. An army may give strength to a bad administration, but a good administration only can give strength to laws, and to that we must have recourse, or these disorders will continue, though we should augment our troops to 50,000 men. Confirm his Majesty in the affections of his subjects, and he will want no security in his own dominions. Sir, I have seen a proof of this.—I have lately had the satisfaction to see all sort of respect

from

‘ from all sorts of people, paid *to two of the Royal*
 ‘ *Family*, when they had no guards. They could
 ‘ not have been safer, they could not have been
 ‘ respected so much, if they had been attended,
 ‘ in the journey they made, with all the household
 ‘ troops of the King of *France*. Sir, I saw the
 ‘ people clinging to the wheels of their coach,
 ‘ out of affection to them, to the King, and to
 ‘ his Family. I say, I saw them clinging to the
 ‘ wheels of their coach. Had there been guards
 ‘ about it, they must have kept further off.

‘ As I can see no good use that can be made
 ‘ of these troops, and as I won’t suppose that any
 ‘ bad one is intended, I must conclude they are
 ‘ kept up for ostentation alone. But is it for his
 ‘ Majesty’s honour to put the lustre of his crown,
 ‘ to put his dignity upon that, in which he may
 ‘ be rival’d by every petty Prince of any little
 ‘ state in *Germany*? For, I believe, there are few
 ‘ of them now, that can’t produce at a review,
 ‘ an army equal to ours, both in number and
 ‘ show. If the greatness of a state is to be mea-
 ‘ sur’d by the number of its troops, the Elector
 ‘ of *Hanover* is as great as the King of *England*.
 ‘ —But a very different estimation ought to be
 ‘ made of our greatness: The strength of *England*
 ‘ is its wealth and its trade: Take care of them,
 ‘ you will be always formidable: Lose them,
 ‘ you are nothing, you are the last of mankind.
 ‘ Were there no other reasons for reducing the
 ‘ army, it should be done upon the principle of
 ‘ œconomy alone. It is, a melancholy thought to
 ‘ reflect how much we have spent, and to how
 ‘ little purpose, for these sixteen years past.

‘ Sir, could it be said, we are, indeed, loaded
 ‘ with debt, but for that charge we have encrea-
 ‘ sed our reputation, our commerce flourishes,
 ‘ our navigation is safe, our flag is respected, our
 ‘ name honour’d abroad; could this be said,
 ‘ there

‘ there is a spirit in the people of *England*, would
‘ make them chearfully bear the heaviest burdens.
‘ —On the other side, could an opposite lan-
‘ guage be held, could it be said, we have, in-
‘ deed, no victories, no glory to boast of, no
‘ eclat, no dignity; we have submitted to inju-
‘ ries, we have born affronts, we have been
‘ forced to curb the spirit of the nation; but by
‘ acting thus, we have restored our affairs, we
‘ have paid our debts, we have taken off our
‘ taxes, we have put it into the power of the
‘ King and Parliament, to act hereafter with
‘ more vigour and weight; could this be said,
‘ this also might be satisfactory. —But to have
‘ fail’d in both these points at the same time; by
‘ a conduct equally inglorious and expensive, to
‘ have lost the advantages both of war and peace;
‘ to have brought disgrace and shame upon the
‘ present times, and national beggary upon ages
‘ to come, the consequence of which may be
‘ national slavery; such a management, if such a
‘ management can be supposed, must call down
‘ national vengeance upon the guilty authors of
‘ it, whosoever they be, and the longer it has
‘ been suspended, the more heavy it will fall.

‘ Sir, I beg pardon for having troubled you
‘ so long now upon a question, on which I have
‘ so often given you my poor thoughts before:
‘ The multiplicity of matter carried me further
‘ than I designed, and I have a thousand thanks
‘ to return you for the indulgence you have
‘ shewn.’

Upon putting the question upon the motion for
the amendment, it passed in the negative, 253
noes, to 183 yeas; whereupon the question was
put upon the first motion, which was agreed to
without a division.

Motion and
debate for
examining
the *South-
Sea* directors.

February 22. Being the day appointed by the Lords for taking the convention into their consideration, before their Lordships entered upon that business, the Duke of *Newcastle* laid before them, a copy of the King of *Spain's* declaration relating to the *South-Sea* company, before-mentioned; which declaration being read in the house, the Lord *Bathurst* stood up and spoke as follows:

Lord *Ba-
thurst's*
speech.

‘ My Lords,

‘ It is with the greatest concern and reluctance
‘ imaginable, that I rise up to speak to your Lord-
‘ ships on this occasion; at the same time I can’t
‘ help congratulating the noble Lord who sits by
‘ me, on the seasonable hint he threw out the
‘ day when the convention was laid before this
‘ house. Those hints, my Lords, have given
‘ us, have given the whole kingdom, a very great
‘ light. We now see upon what terms *Spain*
‘ abated so far of the haughtiness with which she
‘ has always treated this nation, as to conclude
‘ any negotiation. Before I heard this declaration
‘ read, I had considered the convention with all
‘ the attention I am capable of bestowing, and,
‘ my Lords, even then I could not find any one
‘ stipulation in it, I could not see one article that
‘ is not, in my poor judgment, both disadvanta-
‘ geous and dishonourable to this nation. But,
‘ my Lords, when I consider this convention as
‘ clogged with this protest from *Spain*; when I
‘ consider it as attended with the highest marks
‘ of insolence and indignity to this kingdom on
‘ the part of that power; I know not, my
‘ Lords, in what light to look upon it. I know
‘ not what words I shall make use of, or what
‘ sentiments to express. Shall we call this con-
‘ vention, my Lords, a treaty? No, a treaty is
‘ an

an act in which the stipulations are mutual. This convention is an act wherein every thing is granted by the one side, and nothing stipulated on the other. But, my Lords, I will not anticipate the debate; it may be, I have said too much already; perhaps, they who are more in the secret of affairs, when the convention comes to be under consideration, may give me reason to alter my opinion: I shall therefore confine what I have to say to a few arguments, in order to support a motion which I shall beg the liberty to make to your Lordships.

The affairs of a publick company, and the affairs of a whole kingdom are, in my opinion, to be considered as very distinct the one from the other. The interests of all the subjects in the kingdom ought, indeed, to be very dear to the crown, but more especially the interests and rights of trading companies. These rights are derived from the crown, and while the crown supports them, it supports its own rights; when it gives them up, my Lords, it gives up its own rights; it gives up the rights of the nation. But there is a great difference betwixt the particular interests, and the general rights of a company. The particular interests of a company are in the hands of private men, appointed by that company to take care of them; they ought to have no relation to the publick negotiations of this nation, far less ought these last to have any dependance upon them. This protest, my Lords, makes the convention, which ought to have been a solemn treaty, no farther valid than as a private negotiation betwixt the King of *Spain* and the *South-Sea* company shall turn out. Let his Catholick Majesty's demand be ever so unjust; let his claim be ever so exorbitant; it must be satisfied, otherwise this publick negotiation must, it seems, be

' invalid. But, my Lords, this insolence of
 ' *Spain* does not at all surprize me; for I should
 ' be surprized at nothing which that court could
 ' do, unless I heard that they had done an act of
 ' equity and justice: What surprizes me most,
 ' my Lords, is, that our minister should so far
 ' forget his character as to accept of this protest
 ' or declaration (call it what you will) and that he
 ' should, with *reciprocal accord*, agree that the
 ' declaration we have now heard, should be made
 ' the essential precise means of overcoming the
 ' difficulties that obstructed the conclusion of the
 ' convention.

' Mr. Keene is, I know, agent for the *South-*
 ' *Sea* company, as well as plenipotentiary from
 ' our court. Nothing in the world, my Lords,
 ' ought to have been more distinct than these two
 ' characters. As agent for the *South-Sea* compa-
 ' ny, he was to solicit their concerns at the court
 ' of *Spain*: He was to take care of their interests,
 ' he was to transmit to his constituents a proper
 ' state of every thing that passed. As a publick
 ' minister, my Lords, he was to take care that
 ' no violation should be committed of any of the
 ' treaties upon which the rights of that company
 ' are founded. The uniting of these two charac-
 ' ters in his person was of great use to him; he
 ' was sure not to be imposed upon by misrepresen-
 ' tations; he was sure the agent and the minister
 ' would not run counter to one another; and
 ' that the one would always be supported by the
 ' other. But, my Lords, it should appear by
 ' this declaration, that the minister has so far for-
 ' got himself, as to consent to the making the va-
 ' lidity of this declaration, the condition of the
 ' validity of the convention. Not only so, my
 ' Lords, but he has consented with the same *reci-*
 ' *procal accord*, to own his Catholick Majesty's
 ' right to suspend the *assiento* contract. Thus,

‘ my Lords, he has agreed, that the publick
‘ transactions of this nation shall depend upon the
‘ execution of the private engagements of the
‘ *South-Sea* company.

‘ My Lords, I shall say no more on this sub-
‘ ject; only I must observe to your Lordships,
‘ that either the court of *Spain* must have been
‘ guilty of the greatest insolence and injustice to
‘ this nation, and the minister, of the highest
‘ breach of trust; or the *South-Sea* company must
‘ have been guilty of the greatest injustice to the
‘ crown of *Spain*. However that stands, my
‘ Lords, we are at present very much in the
‘ dark, and we must remain so, till such time as
‘ we are regularly informed by what means this
‘ debt was contracted, and how affairs stand be-
‘ twixt the *South-Sea* company and his Catholick
‘ Majesty. This, my Lords, I say, is the only
‘ means of our coming to a knowledge of this
‘ affair; the proper information that we are to
‘ have, must be from the *South-Sea* company
‘ themselves; we are not to trust to ministers for
‘ our information; we are not to trust to those
‘ employed by ministers. We are to have our in-
‘ formation from the first hand; we shall be then
‘ less liable to be imposed on, and more able to
‘ give a judgment in this matter. In short, my
‘ Lords, I think it needless to trouble your Lord-
‘ ships with many arguments in support of the
‘ motion which I am to make: I am persuaded
‘ the reasonableness of the thing itself will speak
‘ for it; therefore I humbly take the liberty to
‘ move your Lordships, That a day be appointed
‘ for examining the directors of the *South-Sea*
‘ company, touching the sum of 68,000*l.* men-
‘ tioned in the declaration given to the *British*
‘ minister, signed at the *Pardo*, *January* the 10th,
‘ which sum is, by his Catholick Majesty, claimed
‘ as a debt due to him by the said company:

‘ And that the directors of the *South-Sea* company
 ‘ be ordered to attend this house for that purpose.’

Upon this the Lord *Hervy* rose up and said as follows.

‘ My Lords,

Lord *Hervy*
 ‘s speech.

‘ I shall not differ much from the noble Lord
 ‘ who spoke last, with regard to the treatment
 ‘ which the subjects of this nation have received
 ‘ from the *Spaniards*; but I am surprized to find
 ‘ that his Lordship supposes their agreeing to treat
 ‘ with us on the footing stipulated by the conven-
 ‘ tion, is an aggravation of that treatment. If,
 ‘ my Lords, the provocations that this nation has
 ‘ received from *Spain* were so very great; if the
 ‘ haughtiness with which she has all along behav-
 ‘ ed, was so very excessive as the noble Lord
 ‘ has been pleased to represent it, we cannot sup-
 ‘ pose that her ministry, who certainly are sensible
 ‘ they are no match for us by themselves, were
 ‘ without well-grounded hopes of being assisted
 ‘ and supported by a power more formidable than
 ‘ their own. If our ministry therefore have taken
 ‘ such wise precautions as to shew them that we
 ‘ are not to be intimidated, by any consideration
 ‘ whatsoever, from obtaining satisfaction for our
 ‘ losses, and ample security against future encroach-
 ‘ ments: If, in consequence of this, they have
 ‘ been brought to treat, I think, my Lords, it is
 ‘ one very great point gained. It shews at least
 ‘ that they are cured of their presumption, and
 ‘ that the resolution of our government has had
 ‘ such an effect as to bring them to treat. I don’t
 ‘ speak, my Lords, with regard to the merits of
 ‘ the convention itself, this is not a proper time to
 ‘ enter into the particulars of that treaty, your
 ‘ Lordships have appointed a day to take it into
 ‘ consideration;

‘ confideration; I only ſpeak with regard to the
‘ effect of our late meaſures.

‘ As to the behaviour of Mr. *Keene*, which the
‘ noble Lord has ſo much inſiſted on, I think this
‘ is not a proper time to canvass it. If he has ſo
‘ ſhamefully betray’d his truſt, if he has acted ſo
‘ inconfiſtently with his character as the noble
‘ Lord accuſed him of having done, the nation
‘ and Parliament will undoubtedly bring him to
‘ juſtice; and I am ſure, my Lords, I ſhall be the
‘ firſt to agree to any cenſure which your Lord-
‘ ſhips ſhall think fit to inflict on him. But, my
‘ Lords, it is my opinion, though I own a very
‘ unpopular one at preſent, that we ought always
‘ to preſume the beſt of thoſe to whoſe hands his
‘ Majeſty has thought fit to entruſt the concerns
‘ of the nation, till we are well informed that they
‘ have deſerved to be blamed.

‘ I can agree with the noble Lord, that the
‘ character of agent from the *South-Sea* company,
‘ and that of plenipotentiary from the crown of
‘ *Great Britain* are very different from one ano-
‘ ther, and that they ought by no means to be
‘ confounded one with the other; but, my Lords,
‘ till I am better informed, I do not think myſelf
‘ at liberty to think that that miniſter deſerves all
‘ the hard things to be ſaid of him, which the no-
‘ ble Lord has thrown out. It is very difficult,
‘ my Lords, for this houſe to judge of the reaſons
‘ which may have determined Mr. *Keene* as a pub-
‘ lick miniſter, to accept this declaration; and it is
‘ ſtill harder to judge of his motives as agent for
‘ the *South-Sea* company. The King of *Spain*,
‘ and that company, my Lords, muſt have a great
‘ many dealings with one another; it is no wonder
‘ if their affairs are very often entangled together;
‘ and therefore your Lordſhips, give me leave to
‘ ſay it, are not the proper judges of the reaſons
‘ that may ſometimes induce their agent to uſe

‘ precautions, or to make concessions, that would
 ‘ seem very odd if they pass’d betwixt man and
 ‘ man, or one body of men and another. ’Tis in
 ‘ the power of the court of *Spain*, to put that
 ‘ company under very great disadvantages; and
 ‘ they have done it, my Lords, as often as any
 ‘ rupture, or even the appearance of a rupture, has
 ‘ happened betwixt their court and ours. And,
 ‘ after this, are we to be surprized if these gentle-
 ‘ men take all the precautions in the world to keep
 ‘ fair with the court of *Spain*? especially if we
 ‘ consider, that they have no reason to think we
 ‘ ought to plunge our selves rashly into a war on
 ‘ every slight misunderstanding betwixt it and
 ‘ them. My Lords, if we should, there would
 ‘ not be wanting other powers of *Europe*, who
 ‘ would be glad to carry on that trade on the terms
 ‘ granted to the company. I don’t know, my
 ‘ Lords, but that an offer of this kind may be one
 ‘ reason that induces the *Spanish* court to treat that
 ‘ company with so much severity. Besides, my
 ‘ Lords, we are not certain that the demands of
 ‘ his Catholick Majesty are absolutely unjust. The
 ‘ protest, just now read, affirms that the 68,000 *l.*
 ‘ therein demanded is a debt confessed by the com-
 ‘ pany to be due to his Catholick Majesty. My
 ‘ Lords, if it is so, it must be paid, and there is
 ‘ no wonder if the court of *Spain* insist upon its
 ‘ being paid in the strongest terms.

‘ Having said thus much, my Lords, in gene-
 ‘ ral, with regard to the nature of the company’s
 ‘ trade, I shall beg leave to say a word or two, in
 ‘ answer to what fell from the noble Lord who
 ‘ spoke last, with regard to the part which Mr.
 ‘ *Keene* has acted in this affair. The noble Lord
 ‘ himself very justly observed, that, as agent for
 ‘ the *South-Sea* company, he was to solicit their
 ‘ affairs at the *Spanish* court, to take care of their
 ‘ interests, and to transmit to his principals what-
 ‘ ever

‘ ever concern’d them, especially if it was in a
‘ matter of importance; that, as a publick minister
‘ of this crown, he was to oppose any violation of
‘ the rights on which the trade of that company,
‘ as subjects of *Great Britain*, is founded. My
‘ Lords, this distinction being laid down, give me
‘ leave to observe, that there is another distinction
‘ extremely worthy of your Lordships notice, that
‘ is, the distinction of the characters of the *Spanish*
‘ ministers. The King of *Spain*, my Lords, is in
‘ this case to be looked upon, not only as a sove-
‘ reign Prince, but as a considerable merchant.
‘ For your Lordships know that by treaty he is
‘ intitled to a large share, I think one fourth, of
‘ the profits arising from the company’s trade.
‘ Now, my Lords, this being the case, it follows,
‘ that his Catholick Majesty’s ministers must like-
‘ wise be considered, not only as the publick mi-
‘ nisters of his crown, but as agents for his mer-
‘ cantile interest. On this account it is, my Lords,
‘ that, if these two characters have been confound-
‘ ed together, they have been so only on the part
‘ of the *Spanish* ministry, who ridiculously insist
‘ on their master’s having it in his power, as a So-
‘ vereign, to suspend the *assiento* contract, in case
‘ a debt is not paid which is due to him as a mer-
‘ chant. Mr. *Keene*, my Lords, has done no more
‘ than to accept this declaration, which, as agent
‘ for the company, he was obliged to do, it re-
‘ lating immediately to their concerns. If he had
‘ signed it, my Lords, he might have justly been
‘ blamed; but as he has not signed it, it can be
‘ looked upon as no act of his, and consequently
‘ he is not answerable for it.

‘ As to the motion which the noble Lord has
‘ made, I think it would be extremely improper in
‘ us to intermeddle so far in the private concerns
‘ betwixt the King of *Spain* and the *South-Sea*
‘ company. If the latter is wrong’d, there is no
‘ doubt

‘doubt they will, as they have done before, apply
 ‘to the crown for relief; and if the crown shall
 ‘find the grounds of their complaint just, they
 ‘have all the reason in the world to think that
 ‘proper care will be taken of their interest. My
 ‘Lords, it would be of very dangerous conse-
 ‘quence, I think it would set a very bad prece-
 ‘dent for us to oblige the directors of a trading
 ‘company to produce their accompt-books at the
 ‘bar of this house. We might thereby occasion
 ‘them to discover secrets, which may affect both
 ‘them and the nation. For, my Lords, there is
 ‘no doubt that every trading body of men have
 ‘secrets, which may be of a very honest nature,
 ‘and yet it may be not only improper, but unjust
 ‘to divulge them to the world. In short, my
 ‘Lords, I think that we ought to consider this
 ‘declaration as a thing entirely independent of the
 ‘convention; but if, in the course of our debate
 ‘upon the convention, we shall find that there is an
 ‘absolute necessity for our examining the directors
 ‘of the *South-Sea* company, it will be then time
 ‘enough to agree to this motion. But, my Lords,
 ‘I think it would be highly improper at this criti-
 ‘cal juncture to oblige that company to expose
 ‘their books, or to bring them into any necessity
 ‘of appearing as parties against the King of *Spain*.
 ‘Therefore I am against the motion.’

The Earl of *Hay* spoke next, to this effect.

‘My Lords,

Earl of *Hay*’s
speech.

‘I should not have troubled your Lordships at
 ‘this time, especially after what has been observed
 ‘by the noble Lord who spoke last, had I not
 ‘some particular reasons for thinking this motion
 ‘at present very improper.

‘The debt which the King of *Spain*’s minister
 ‘claims by this declaration is, my Lords, a debt
 ‘that

‘ that has in some measure been already allow’d of
‘ by the *South-Sea* company; for which reason,
‘ my Lords, it ought to be left to the *Spanish* mi-
‘ nister here, and the directors of that company, to
‘ settle it the best way they can. If your Lord-
‘ ships should interpose in the matter, the *Spani-*
‘ *ards* might very justly think that the Parliament
‘ of *England* design’d to make itself a party in an
‘ affair that concerns private property, and to sup-
‘ port that company in an act of injustice. I don’t
‘ by this, my Lords, mean as if we ought not to
‘ take care of the interests of the subjects of this
‘ nation, if they are attack’d by the court of *Spain*;
‘ I only mean that we ought not to take cogni-
‘ zance of an affair, that properly cannot lie before
‘ us till we are apply’d to by the company for re-
‘ lief.

‘ I am the more strengthened in this opinion,
‘ by what I have been inform’d of, within a few
‘ hours, that the *South-Sea* company has appointed
‘ a day for considering the merits of that debt, and
‘ also for determining whether they will pay it or
‘ not; and that their paying it depends on the
‘ *Spanish* court’s fulfilling certain conditions insisted
‘ on by them. Now, my Lords, if the company
‘ shall think fit to pay the debt, or if the court of
‘ *Spain* shall think fit to grant them their terms,
‘ I can by no means see of what consequence this
‘ declaration can be to the convention. Nay, my
‘ Lords, I think in whatever light we view it, it
‘ can never affect a treaty that has been solemnly
‘ concluded and ratified. I cannot indeed pretend
‘ to account for the conduct of the *Spanish* mini-
‘ ster in transmitting a paper of this kind to our
‘ court; but I am sure it lies entirely out of our
‘ road to take any notice of a paper, that is sign’d
‘ by one minister only, and that too upon an affair
‘ that affects only one set of men. We ought at
‘ least, my Lords, to wait the issue of the compa-
‘ ny’s

' ny's deliberations on this head: If they allow
 ' the debt to be just, we save our selves a great
 ' deal of trouble and time too; if they don't allow
 ' it to be just, and if the *Spanish* court shall insist
 ' on executing what is specified in this declaration,
 ' the affair will no doubt come before us in a pro-
 ' per manner, and we shall then have a just occa-
 ' sion for expressing our zeal for the rights of the
 ' nation. But in the mean time, my Lords, I
 ' think we ought to take no manner of notice of
 ' this declaration, because it is the act of a single
 ' minister, and consequently cannot at all affect a
 ' treaty which has been fully ratify'd by both the
 ' contracting powers.'

The Duke of *Argyle* spoke next to the following effect.

Duke of
Argyle's
speech.

' My Lords,
 ' Since I have had the honour to sit in this
 ' house, I don't think that I ever heard a motion
 ' made that was less liable to objections than the
 ' present. After a long tract of negotiations, a
 ' very unusual forbearance, we have got a preli-
 ' minary treaty from the court of *Spain*, but clogg'd
 ' with a proviso absolutely requiring a condition to
 ' be fulfilled on our part. My Lords, I readily
 ' agree with the noble Lords who have spoke a-
 ' gainst the motion, that the affairs of trade, which
 ' may occasion differences betwixt the *South-Sea*
 ' company and his Catholick Majesty, are not pro-
 ' perly cognizable by us; but when that court as-
 ' sumes to itself a right to suspend solemn treaties
 ' subsisting with our court, if their concerns in
 ' trade are not adjusted to their own liking, I think
 ' it is high time for us to interpose. The *assiento*
 ' contract, my Lords, and the liberty which the
 ' *South-Sea* company has of sending an annual ship
 ' to the *Spanish Indies*, are two of the principal
 ' advantages

‘ advantages that this nation reap’d from a very
‘ long and expensive war. And, my Lords, if
‘ the *Spanish* court, upon every little difference
‘ with this company, shall assume to itself a right
‘ to deprive us of these advantages, which we en-
‘ joy by so many solemn treaties, I think, if any
‘ affair ever was of publick, of national concern,
‘ this is so.

‘ The declaration we have now heard read, car-
‘ ries with it all the characters of a publick act of
‘ that crown. It is given in and sign’d by his Ca-
‘ tholick Majesty’s first secretary of state, and first
‘ plenipotentiary for the convention; he tells you
‘ therein, that he gives it in consequence of re-
‘ peated memorials and declarations that have pass-
‘ ed betwixt him and Mr. *Keene*, his Majesty’s
‘ plenipotentiary; and that it is agreed upon with
‘ *reciprocal accord*. My Lords, I cannot see what
‘ can be stronger than these expressions, to make
‘ it just as important and as authentic as the con-
‘ vention itself. But, say the noble Lords who
‘ opposed the motion, Mr. *Keene* did not sign it,
‘ and by accepting it, and transmitting it to this
‘ court and to the *South-Sea* company, he did no
‘ more than as agent for that company he was
‘ obliged to do. My Lords, I am of a very dif-
‘ ferent opinion. As agent for that company, he
‘ had a power of making what concessions he had
‘ a mind, at least so far as his commission reach’d,
‘ on the part of the company; and if the compa-
‘ ny impower’d him so to do, he might engage
‘ for the payment of the sum mentioned in the
‘ declaration; but he was not to agree to the giv-
‘ ing up national engagements, and solemn treaties.

‘ If, my Lords, as the noble Lord who spoke
‘ last insisted, this affair were of a private nature,
‘ and concern’d only one set of men amongst us,
‘ I should be very far from taking up your Lord-
‘ ships time in speaking for the motion; but, my
‘ Lords,

‘ Lords, it appears to me to be an affair that
 ‘ concerns the honour of the crown, and the in-
 ‘ terest not only of the *South-Sea* company, but
 ‘ of all the kingdom : It in a more special man-
 ‘ ner concerns the affair which we are to have un-
 ‘ der our deliberation in a very few days ; I mean
 ‘ the convention ; for your Lordships see that the
 ‘ *Spanish* minister, by this declaration, allows no
 ‘ strength, no validity to that treaty, any far-
 ‘ ther than the terms of his demand are com-
 ‘ ply’d with. But, my Lords, how is it possible
 ‘ for us to know how reasonable these demands
 ‘ are, unless we hear what the party concern’d
 ‘ has to say ? Shall we give our approbation to a
 ‘ treaty, wherein one of the contracting powers
 ‘ previously tells us, that the validity of the trea-
 ‘ ty does not depend either upon our approving
 ‘ or his Majesty’s ratifying it, but upon an event
 ‘ that, properly speaking, has no regard to the
 ‘ treaty itself ? So that, my Lords, it seems, the
 ‘ *Spaniards* are of opinion, that we are either to
 ‘ force the *South-Sea* company to comply with the
 ‘ terms of this declaration, or we are to look
 ‘ upon all that has pass’d betwixt our ministers
 ‘ and theirs, as a mere farce. This, Sir, is plainly
 ‘ the language of the declaration, and I might
 ‘ challenge any man alive to make any other
 ‘ meaning out of it.

‘ The noble Lord who spoke last said, that we
 ‘ ought to know the result of the *South-Sea* com-
 ‘ pany’s resolution before we agree to the present
 ‘ motion. My Lords, I cannot at all see the ex-
 ‘ pediency of that. I don’t think that our deli-
 ‘ berations ought to depend upon the resolutions
 ‘ of any company. I shall suppose, my Lords,
 ‘ what may very possibly happen ; we have alrea-
 ‘ dy appointed a day to take the convention
 ‘ under our consideration ; we find it to be a pro-
 ‘ per measure, and we return his Majesty an ad-
 ‘ dress

' dress of thanks upon it. The *South-Sea* com-
 ' pany in the mean time meet and consider the
 ' demand of the *Spanish* court; they find that it
 ' is either unjust in itself, or that the conditions
 ' upon which they own'd the debt to be just, and
 ' promis'd payment of it, have not been fulfill'd
 ' on his Catholick Majesty's part; therefore they
 ' refuse to pay it. What follows upon this?
 ' The court of *Spain* tells us, that the convention
 ' is invalid, since the condition upon which they
 ' agreed to it is unfulfill'd. In this event, my
 ' Lords, all we have been doing, all our debates
 ' upon this measure, must go for nothing. There-
 ' fore, my Lords, it would be certainly the wisest,
 ' as well as the most expeditious course, for us to
 ' examine the directors of the company before-
 ' hand, and be inform'd by them of the nature
 ' of this claim, and know if they will pay it or
 ' not. If they are satisfy'd of its justice, and if
 ' they are willing to pay it, we can then regularly
 ' proceed upon the merits of the convention;
 ' but if they refuse it, and are determin'd not to
 ' pay it, where is the necessity of our putting
 ' ourselves to a vast deal of needless trouble,
 ' in coming to resolutions that can be of no ef-
 ' fect?

' My Lords, I cannot say I am unquestionably
 ' warranted in what I shall advance; but, if my
 ' information is right, there never was any claim
 ' more unjust than this of the *Spanish* court. I
 ' have heard, my Lords, they are so far from be-
 ' ing indebted to the crown of *Spain*, that that
 ' crown is indebted to them, for near six times
 ' the sum pretended, by this declaration, to be
 ' owing to it. I have heard, my Lords, that
 ' this debt on the duty of the negroes is one of
 ' the most unjust, arbitrary claims that ever was;
 ' that the valuation of the dollar at 52s. never
 ' was settled till several years after the *assiento* con-

' tract was made, and that his Catholick Majesty
 ' demands, that all the deficiency, that happens
 ' by their making their former payments in the
 ' dollars of the valuation they stood at when the
 ' *affiento* contract was made, should now be paid
 ' in to his Catholick Majesty, in the same manner
 ' as if the value of the dollar had been the same
 ' then as it is now. My Lords, if this is truth,
 ' I think there never was any demand more exor-
 ' bitant; I think this declaration is a kind of a de-
 ' feazance upon the whole transaction, in case
 ' such terms are not comply'd with, as in them-
 ' selves are highly unreasonable, and which the
 ' *Spaniards* themselves know never will be
 ' granted.

' If this, my Lords, is the case, I think it is
 ' very extraordinary, that Mr. *Keene* should make
 ' any such concession as is imply'd in this declara-
 ' tion at the court of *Spain*. If he did it in con-
 ' sequence of his instructions from the *South-Sea*
 ' company, I think that company has done one
 ' of the most extraordinary things that ever was
 ' heard of; and if he had no such instructions, I
 ' think he has acted in a very unheard-of man-
 ' ner. But, my Lords, be that how it will, he
 ' is certainly to blame in admitting the execution
 ' of a publick treaty to depend on that of a pri-
 ' vate transaction. There is, my Lords, another
 ' very unaccountable circumstance in this affair, I
 ' mean, that this declaration is made in due form,
 ' before the convention is either sign'd or ratify'd.
 ' So that if the *South-Sea* company should refuse
 ' to pay the 68,000*l*. I dare venture to lay all
 ' that I am worth in the world, that the *Spanish*
 ' court will insist upon a nullity of all that has
 ' been done, and proceed in the same manner as
 ' if nothing had been done. They will tell us,
 ' that this declaration is of the same force with
 ' any article of the convention; that they gave us
 ' fair

‘ fair warning of it before the convention was
‘ sign’d, and that if we had not been pleased with
‘ the terms, we were under no obligation to sign
‘ the convention, since it was not their fault if we
‘ were not sufficiently appriz’d of the consequences.

‘ But, my Lords, there is a reason I have not
‘ mention’d yet, that weighs very much with me
‘ in favour of this motion. I am not certain
‘ Mr. Keene may be warranted by his principals
‘ for agreeing to this power, which his Catholick
‘ Majesty assumes to himself, *of suspending the as-*
‘ *siento of negroes, and of dispatching the necessary*
‘ *orders for the execution thereof.* But, my Lords,
‘ whether he had any instructions upon that head
‘ or not, I think it highly proper that your Lord-
‘ ships should come to some resolutions, with re-
‘ gard to the right which the crown of *Spain* has
‘ of suspending a solemn treaty, such as that of
‘ the *assiento* contract is, whenever any difference
‘ happens betwixt it and that company. On the
‘ one hand, there is no doubt that the King of
‘ *Spain* has a right to demand the execution of
‘ the *assiento*; on the other hand, he has no right
‘ to make any arbitrary demands upon the com-
‘ pany, he has no right to tell them that if they
‘ cannot comply with his demands, be what they
‘ will, he will suspend their contract, and seize
‘ upon their effects. I don’t say that we ought
‘ to be the judges in this affair, but I think we
‘ ought to advise and support his Majesty in de-
‘ fending the just rights and properties of his sub-
‘ jects. And, my Lords, we never can know
‘ how the matter stands betwixt his Catholick
‘ Majesty and the company, without having a
‘ state of the affair from the company themselves,
‘ and without knowing what their claim upon the
‘ court of *Spain* amounts to, as well as that
‘ court’s upon the company. When we have
‘ these informations, we shall be able to judge

‘ whether this declaration is founded on justice,
 ‘ or whether it is no better than a shift to avoid
 ‘ performing their part of the convention. But,
 ‘ whether this debt is justly due to the *Spanish*
 ‘ court or not, or whether the court of *Spain* is
 ‘ indebted to the company or not, I think this
 ‘ declaration was a very irregular and a very ex-
 ‘ traordinary step. I think it shewed the highest
 ‘ disregard to his Majesty, and was a very great
 ‘ indignity to this nation. I shall say nothing of
 ‘ the weakness of our minister in accepting it, or
 ‘ of signing the convention clogged in this man-
 ‘ ner. No doubt he had his reasons for it, which
 ‘ have not yet appeared to the world. I wish
 ‘ they may be to the satisfaction of the publick;
 ‘ however, I hope your Lordships will agree to
 ‘ the motion, as I heartily do.’

The question being put, the house divided, and
 it was carried in the negative, 49 against 42.

Petitions
 against the
 convention.

February 23d. Petitions were presented to
 both houses, by the *West-India* merchants, by
 the city of *London*, &c. against the said con-
 vention with *Spain*. The city of *London*’s peti-
 tion to the house of Lords being presented by
 the Duke of *Bedford*, his Grace upon presenting
 it, spoke to the following effect:

Duke of
Bedford’s
 speech.

‘ My Lords,
 ‘ I have in my hand a petition from a very
 ‘ great body of men, no less a body, my Lords,
 ‘ than the citizens of *London*. The importance
 ‘ of this juncture call’d upon them to assemble
 ‘ and deliberate upon the most proper means of
 ‘ preventing the effects of the convention, which
 ‘ they apprehend to be ruinous, not only to
 ‘ them, but the whole kingdom, from taking
 ‘ place. Encourag’d, my Lords, by their former
 ‘ expe-

‘ experience of your Lordships great indulgence,
‘ they resolved to proceed in the most dutiful
‘ manner, by petitioning your Lordships to take
‘ the reasons they are ready to offer against the
‘ convention into your mature deliberation.

‘ Your petitioners, my Lords, apprehend that
‘ they are too deeply interested in whatsoever af-
‘ fects the trade of this nation, not to express the
‘ utmost anxiety for the welfare and prosperity of
‘ the city of *London*, the only source of our
‘ riches. And it is with an unexpressible concern,
‘ that your petitioners perceive that the trade to
‘ his Majesty’s *American* colonies is still exposed
‘ to the insults of the *Spaniards*, who, under un-
‘ warrantable and injurious pretences, continue to
‘ stop, search, and make prizes of *British* vessels,
‘ navigating in the seas of *America*, in manifest
‘ violation of the treaties subsisting between the
‘ two crowns.

‘ Your petitioners, my Lords, humbly appre-
‘ hend that the trade from our colonies in *Ameri-*
‘ *ca*, is now almost the only profitable trade
‘ which this nation enjoys, unrival’d by others:
‘ And they were induc’d to hope, from his Ma-
‘ jesty’s known goodness, and paternal care of his
‘ people, supported by the vigorous resolutions of
‘ both houses of Parliament, and the equipment
‘ of a very powerful fleet, that his Majesty’s
‘ trading subjects, in the seas of *America*, as well
‘ as in all other parts of the ocean, would not only
‘ have received a full satisfaction for their losses,
‘ occasioned by the depredations of *Spain*, but
‘ also an undoubted security for their commerce
‘ for the time to come; and that a reasonable and
‘ adequate reparation would have been likewise
‘ obtained, for the barbarities and inhuman cru-
‘ elties, exercised by that nation on the *British*
‘ seamen, who have had the unhappiness to fall
‘ into their merciless hands.

‘ Your petitioners, my Lords, most humbly
 ‘ beg leave to testify their great concern and sur-
 ‘ prize, to find that, by the convention lately
 ‘ concluded betwixt his Majesty and the King of
 ‘ *Spain*, the *Spaniards* are so far from giving up
 ‘ their unjust pretensions of a right to visit and
 ‘ search our ships on the *American* seas, that this
 ‘ pretension of theirs is, amongst many others,
 ‘ referred to the future regulation and decision of
 ‘ plenipotentiaries, appointed on each side, where-
 ‘ by your petitioners apprehend it is in some de-
 ‘ gree admitted.

‘ Your petitioners humbly conceive, that they
 ‘ have too much cause to fear, if the right pre-
 ‘ tended to by *Spain*, of searching *English* ships at
 ‘ sea, be admitted in any degree whatsoever, that
 ‘ the trade of his Majesty’s subjects to *America*
 ‘ will become, in a great measure, dependant
 ‘ upon the justice and indulgence of the *Spa-
 niards*, of both which they have given, for
 ‘ some years past, such specimens, as they hum-
 ‘ bly think this nation can have no reason to be
 ‘ satisfied with.

‘ Your Lordships petitioners beg leave farther
 ‘ to express their apprehensions, that such a pre-
 ‘ carious situation must inevitably expose the trade
 ‘ to the *American* seas to continual interruptions,
 ‘ and perpetual alarms, as well as to severe losses;
 ‘ and that to these unhappy causes, they humbly
 ‘ apprehend, the present low state of the *British*
 ‘ colonies is owing; and if the cruel treatment of
 ‘ the *English* sailors, whose hard fate had thrown
 ‘ them into the hands of the *Spaniards*, should
 ‘ be put up without any reparation, your Lord-
 ‘ ships petitioners humbly apprehend, it may be
 ‘ the means of deterring seamen from undertaking
 ‘ voyages to *America*, without an advance of wa-
 ‘ ges, which neither that trade, nor any other,
 ‘ is able to support. Your Lordships petitioners
 ‘ therefore,

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‘ therefore, having laid before you the high importance which this trade is of to the nation in general, and to this city in particular, thought it their indispensable duty to represent to the Parliament the fatal consequences of leaving the freedom of their navigation and commerce any longer in suspense and uncertainty, and therefore they humbly hope your Lordships will take it into mature deliberation, and do therein as to your great wisdom shall seem meet.’

The Lord *Carteret* spoke next as follows.

‘ My Lords,

‘ As I was coming into the house, a petition Lord Carteret's speech. was put into my hands, from divers merchants, and others trading to, and interested in, the *British* plantations in *America*, in behalf of themselves and many others. Your petitioners, my Lords, seem to be the more encourag'd to present such a petition, from the consideration of the resolutions your Lordships came to last year upon this subject. I remember, my Lords, that I had the honour to suggest some things to your Lordships, that put that matter in a light different from what it had ever before been considered in; and there is no wonder, if all the nation, especially those in it who are more immediately interested in the commerce of *America*, are surpriz'd at the variation they observe betwixt your Lordships resolutions, and the terms of the convention, as now publish'd by authority.’

His Lordship then proceeded to open the petition, which set forth, That the petitioners had last session made their humble application to Parliament, setting forth the continued depredations committed by the *Spaniards* on the high seas of *America*, upon the *British* shipping and property; their

their barbarous and inhuman treatment of the *British* sailors on the taking of their ships, and their carrying them afterwards into slavery in *Old Spain*, (the *Spaniards* making it their constant practice to attack and board all *British* merchant ships they met with in the *American* seas, under pretence of searching for goods, which they deemed contraband, according to their arbitrary will and pleasure, contrary to the law of nations, and in manifest violation of the treaties subsisting between the two crowns) and that by these unjust and violent proceedings of the *Spaniards*, the trade and navigation to and from *America*, was rendered very unsafe and precarious, insomuch that the insurances had greatly risen on these accounts only; and that the petitioners having been heard by their counsel, did, as they apprehend, fully make out in proofs, every one of the allegations of their said petition, to the entire and unanimous satisfaction of Parliament; upon which application, the following resolutions were agreed on, *viz.* (Here the petitioners recited the resolutions of the preceding session, for declaring the rights of this nation, and for addressing his Majesty to use his endeavours for the preservation of those rights; and then they went on as follows, *viz.*)

That a convention had since been entered into between the crowns of *Great Britain* and *Spain*, which his Majesty has been most graciously pleased to order to be laid before Parliament; and the same having been published by authority, the petitioners observe with the utmost concern, that the *Spaniards* are so far from giving up their groundless and unjustifiable practices of visiting and searching *British* ships, sailing to and from the *British* plantations, that they appear to have claimed the power of doing it as a right, by having insisted that the differences which have arisen

arisen concerning it, should be referred to plenipotentiaries, to be discussed by them, without even agreeing to abstain from such visitation and search, during the time that the discussion of this affair may last; that the petitioners are under the greatest apprehensions, since *Spain* has contended, that a point so incontestably clear, both by the law of nations, and all the treaties subsisting between the two crowns, should come under debate, that the *Spanish* plenipotentiaries will be instructed not to give it up; and that, if the freedom of our navigation and commerce to and from our own colonies should be left in suspense, and in a precarious situation, it must be attended with the most fatal and pernicious consequences to the petitioners, whose persons and fortunes will thereby be in the power of the *Spanish Guarda Costa's*, without any prospect of relief, the petitioners having already too severely experienced the justice of the *Spanish* courts and governors, to consider them as any security; and therefore praying, that the petitioners may have an opportunity of being heard, and that they may be allowed to represent to Parliament, the great importance of our trade to and from our own plantations in *America*, the clear and indisputable right which we have to enjoy it, without being stopp'd, visited, or searched by the *Spaniards*, on any pretence whatsoever, and the certain and inevitable destruction of all the riches and strength derived to this kingdom from that trade, if a search of *British* ships, sailing to and from the *British* plantations, be tolerated upon any pretext, or under any restrictions or limitations, or even if the freedom of this navigation should continue much longer in this state of uncertainty. And his Lordship concluded with a motion, 'That the petitioners should be heard by themselves or counsel, if they thought fit.'

The Earl of *Ilay* spoke next as follows.

‘ My Lords,

Earl of
Ilay's speech.

‘ I am very ready to acknowledge the importance which the body of merchants trading to *America* is of to this house; and no Lord shall be more ready than myself to concur in every thing that can contribute to their relief. But, my Lords, I own to your Lordships, that I wish they had applied for it in a more decent and dutiful manner. I am very sensible, my Lords, that it is the privilege of every man, and every body of men, in this nation, to petition the Parliament: But then, my Lords, these petitions ought to be brought up in such a manner, as may shew that the petitioners have nothing else in view, than to obtain justice, by the most lawful and the most dutiful means. Petitioners, my Lords, are not to come up tumultuously to Parliament, as if they were resolved rather to force justice, than petition for it. Besides, my Lords, petitions of this kind ought to be founded on an apprehension which the petitioners have, that the house may not be thoroughly informed of their rights, and therefore they humbly beg leave to explain them more fully. The petitions, my Lords, we have now heard, appear calculated to serve private and mean purposes, and to inform us of things that have been already fully debated, and are thoroughly understood. There are no real facts in these petitions, but what must occur to every Lord, when the convention shall be debated; and if the petitioners apprehend that we are to approve of this convention, if it shall not be found for the interest and honour of the kingdom, I think, my Lords, they pay but a very sorry compliment to your Lordships justice.

‘ I should be glad, my Lords, to know how
 ‘ they came to suppose such a thing: It can pro-
 ‘ ceed from no good principle; and I am of opi-
 ‘ nion, that it betrays rather a spirit of faction,
 ‘ than of submission to the determination of their
 ‘ superiors. However, my Lords, I am far from
 ‘ thinking that it may not be proper to hear what
 ‘ the petitioners have to say on the subject of the
 ‘ petition; the consideration of this convention
 ‘ will, no doubt, occasion a good deal of enquiry
 ‘ into the commerce of *America*, and manner of
 ‘ navigation; therefore, my Lords, I am very
 ‘ willing to give my voice for their being heard
 ‘ by themselves at the bar of your house.’

The Lord *Delaware* spoke next to the follow-
 ing effect.

‘ My Lords,

‘ Precedents have always been thought the Lord Dela-
war’s speech.
 ‘ proper guides to this house, in all matters of
 ‘ form; and I have in my hand a precedent
 ‘ which, in my humble opinion, comes fully up
 ‘ to the affair now before us: It is, my Lords,
 ‘ the case of the *British* merchants, when the
 ‘ treaty of commerce betwixt *France* and *England*
 ‘ was concluded, at the latter part of the reign of
 ‘ *Queen Anne*. The interest of *Great Britain*,
 ‘ my Lords, was as much concern’d in that
 ‘ question, as in any that has happen’d since: We
 ‘ were then upon the point of concluding a treaty
 ‘ of commerce, which must have been destructive
 ‘ of the trade of this nation, and rais’d the most
 ‘ formidable rival of our power upon the ruin of
 ‘ our merchants: But, my Lords, happily for us,
 ‘ the genius of the nation prevail’d over all the
 ‘ arts of a corrupt ministry, who had already sa-
 ‘ crific’d but too much of our national honour,
 ‘ by concluding a weak and disadvantageous
 ‘ peace.

‘ peace. The merchants, my Lords, were heard
 ‘ at the bar of this house against the treaty; they
 ‘ shew’d how destructive it would prove to the
 ‘ trade of this nation, if ever it should take place;
 ‘ and this house, my Lords, had so much regard
 ‘ to what they advanc’d, that the treaty, at least
 ‘ those articles in it that were prejudicial to our
 ‘ interests, was thrown out. But, my Lords, I
 ‘ don’t find by your Lordships journals, that the
 ‘ merchants were then allow’d any counsel; nor
 ‘ do I remember, for it happen’d in my time,
 ‘ my Lords, that they ask’d any: They were too
 ‘ sensible of your Lordships indulgence, and ten-
 ‘ derness for their interests, to doubt of their be-
 ‘ ing very safe in your hands, without having
 ‘ them represented by lawyers. All, my Lords,
 ‘ that, in the present case, we have to do, is,
 ‘ I humbly conceive, to examine into facts; and
 ‘ we can easily judge from them, how far this
 ‘ convention is for the advantage of this king-
 ‘ dom. I don’t see the least occasion, my Lords,
 ‘ for law; it may perplex and puzzle, but it can
 ‘ never direct nor inform us in this case. There-
 ‘ fore, my Lords, especially as I conceive that
 ‘ there is no precedent of our admitting any in
 ‘ the like circumstances to be heard by their coun-
 ‘ sel, I think it will be sufficient if they are heard
 ‘ by themselves, at the bar of the house, as to
 ‘ the facts upon which the allegations in their pe-
 ‘ tition are founded.’

The Lord *Carteret* rose up next and said:

‘ My Lords,

Lord Carteret's answer.

‘ The case of the petitioners is of a very ex-
 ‘ traordinary nature; so extraordinary, my Lords,
 ‘ that I don’t believe, if we consider it in all the
 ‘ lights it will admit of, that ever the like was
 ‘ brought before your Lordships, and, conse-
 ‘ quently,

‘quently, there can be no precedent by which we
‘can determine the present question. I, my
‘Lords, was, it is true, not very old when the
‘precedent, brought by the noble Lord, hap-
‘pen’d: But, my Lords, I was not so young
‘but that I could make some observations that
‘have been of use to me since; and, my Lords,
‘give me leave to say, that nothing could differ
‘more from the case of the merchants at that
‘time, than the case of your petitioners now.
‘The merchants were heard against the treaty of
‘commerce, my Lords, not in consequence of
‘a petition to your Lordships. My Lords, you
‘thought fit, when that treaty was communicated
‘to you, to send for the merchants; you ex-
‘amined them; you encourag’d them, my Lords,
‘to declare their grievances; your Lordships
‘yourselves were counsel for them; for, my
‘Lords, you found their objections so strong
‘against the treaty, that it was thrown out.
‘How does this tally with the case now before
‘us? Your petitioners have been great sufferers
‘by the *Spaniards*, and they see a peace ready to
‘be concluded, in which they apprehend, not
‘only their future interests may be neglected,
‘but their past wrongs are not sufficiently repair-
‘ed. My Lords, this makes them parties; and
‘it has ever been a rule with the Parliament of
‘*Great Britain*, to hear all parties by counsel,
‘when any thing depends before either house
‘which they conceive may affect their properties.
‘It is true, my Lords, that the legislature are the
‘best judges of the manner in which the general
‘rights of this nation are to be secur’d; but,
‘I believe, we shall not be very fond of ap-
‘proving any measure that may encroach upon
‘private property. The merchants, who were
‘concerned against the treaty of commerce with
‘*France*, my Lords, had no private property
‘at

' at stake ; all that was then to be considered
 ' was, how far the trade of the nation would be
 ' affected by that treaty ; therefore there was no
 ' occasion for counsel, a bare representation of
 ' facts was sufficient for that purpose : But, my
 ' Lords, that is not sufficient now ; there are
 ' many claims of our merchants to be discussed ;
 ' we are to hear from them, or their counsel, the
 ' grounds of their claims ; and we are to consider
 ' upon what foundation our commissaries pro-
 ' ceeded, when they took upon them to make
 ' such large deductions from those claims. My
 ' Lords, we don't know what particular intricac-
 ' ies there may be in such an enquiry ; and there-
 ' fore I cannot but think, that it would be doing
 ' a piece of hardship to the petitioners, if we re-
 ' fused to hear them in any manner that they
 ' think can best serve their purposes.

' But, my Lords, besides the reasons I have
 ' already advanced, to shew that the case before
 ' us, and the precedent brought by the noble
 ' Lord, are no way parallel, I have another rea-
 ' son for allowing the petitioners to be heard by
 ' counsel : I don't doubt, my Lords, of our
 ' having as sensible and as honest men among the
 ' petitioners, as there are in any country ; but,
 ' my Lords, give me leave to say, that few ages
 ' and few countries produce such a man, as he
 ' who was the mouth of our merchants upon
 ' that occasion : My Lords, where he spoke,
 ' there was no occasion for counsel ; he talk'd,
 ' my Lords, like a statesman, a lawyer, and a
 ' merchant at once : I do not know, my Lords,
 ' if ever we had a greater man, in his way : There-
 ' fore, my Lords, unless we could be sure of
 ' there being such another man among your peti-
 ' tioners, at present, I think, we ought, by all
 ' means, to hear them by counsel, if they should
 ' think fit. Perhaps, my Lords, there may be
 ' no

‘ no occasion for it ; perhaps, the information we
‘ may receive from themselves, will be sufficient
‘ to determine us : But, my Lords, I think their
‘ case is so hard, and so very singular, that we
‘ ought rather to suggest advantages to them,
‘ than deprive them of any advantages for which
‘ they may petition to us.’

The Lord *Delaware* stood up and reply’d as follows.

‘ My Lords,

‘ It is next to impossible, that any two cases Lord Delaware’s reply.
‘ should be so exactly parallel, as that the one
‘ should serve as a precedent to the other in every
‘ respect ; the present case, my Lords, is as
‘ much parallel to the precedent I have brought,
‘ as, I believe, any case ever was to another : If
‘ this petition never had been presented, I dare
‘ say, my Lords, we should have thought fit to
‘ have heard what our merchants had to say
‘ upon this subject : I think, my Lords, it is ex-
‘ tremely reasonable that we should receive from
‘ them all the information that is possible ; but at
‘ the same time, my Lords, I am for our pro-
‘ ceeding in the same manner, as if this petition
‘ never had been brought up. The noble Lord
‘ who spoke last, must allow, that if this petition
‘ never had been presented, the petitioners would
‘ have had no right to claim to be heard by coun-
‘ sel : And, my Lords, I dare say the noble
‘ Lord will admit, that their interest would have
‘ been as safe then as now. Can any man say,
‘ that, when the treaty of commerce with *France*
‘ was examined, the merchants of *Great Britain*
‘ were under any disadvantages, in not being
‘ heard by counsel ? My Lords, I dare say, he
‘ will not. And, my Lords, give me leave to
‘ say, that the treaty of commerce was a subject
‘ that

- ‘ that afforded as great room for lawyers to speak
- ‘ upon, as any thing that can possibly occur in
- ‘ our proceedings upon this convention.’

The Earl of *Abingdon* spoke next as follows:

‘ My Lords,

Earl of *Abingdon*'s
speech.

- ‘ I own to your Lordships, that I don't look
- ‘ upon this question in the same light with the
- ‘ noble Lord who spoke last: I think, my Lords,
- ‘ a great many things will come to be consider'd
- ‘ by us, when the convention shall be debated,
- ‘ that we cannot learn from our merchants: One
- ‘ of the most material points of difference betwixt
- ‘ *Spain* and us, my Lords, is the right which it
- ‘ is plain they claim to a sovereignty in the seas of
- ‘ *America*: This becomes a question in the civil
- ‘ law; and, my Lords, give me leave to say, it
- ‘ is such a question, as, I believe, few lawyers
- ‘ we now have can put in a proper light for our
- ‘ information: I am sorry to say it, my Lords,
- ‘ but I do think, that the study of the civil law
- ‘ is too much neglected in this country; and,
- ‘ I am afraid, that when we enter upon that dis-
- ‘ cussion, we shall be very much oblig'd to the
- ‘ noble * Lord who sits over against me, and
- ‘ who has already spoke in this debate: His
- ‘ Lordship, and the other Lords of his country,
- ‘ I believe, my Lords, know more of the civil
- ‘ law, than most Lords of this country have,
- ‘ from their education, had opportunities of
- ‘ knowing. It is, my Lords, a part of the
- ‘ education of the noblemen and gentlemen of
- ‘ that country; and if the noble Lords of that
- ‘ country should happen to be all of one mind,
- ‘ with regard to this point, I don't see how we
- ‘ can come at any sufficient knowledge of what
- ‘ may be said on the other side of the question:
- ‘ There-

* Meaning the Earl of *Illy*.

‘ Therefore, my Lords, I am entirely for agreeing to the motion, and granting the petitioners all the indulgence that they can ask in reason, or we can grant in justice.’

The Lord Chancellor rose next up, and spoke to the following purpose.

‘ My Lords,

‘ It is with the utmost pleasure that I see dispositions so favourable for the trading interest of this nation prevail among your Lordships. My Lords, I think the only contention in the present case among your Lordships is, who shall favour the merchants most. The reason why the two noble Lords are of opinion they ought to be heard only by themselves, seems to be, because a plain matter of fact, honestly told by a merchant, will make a more deep impression in the mind, and contribute more to your Lordships information, than it could do with all the pomp and embellishments of artificial oratory. The other Lords are of opinion, and, indeed, I own myself to be of the same opinion, that the petitioners ought to be deny’d no favour they can reasonably ask; and that some points of law may arise proper for lawyers to represent: My Lords, it is true, that at present I don’t foresee any particular intricacy of that kind; but it is as true that such an intricacy may arise, and therefore I can see no inconvenience attending our indulging the petitioners in their request; at the same time I think it is but of very little consequence, either one way or another; the interests of the petitioners are in either event safe, when your Lordships are judges; and I dare say, if your Lordships were of opinion, that our complying with this motion could any way contribute to your farther information,

Lord Chancellor's speech.

‘ information, the house would unanimously agree
 ‘ to it: In the mean time, my Lords, I am for
 ‘ indulging the petitioners, if the noble Lords,
 ‘ who made and supported the motion, shall think
 ‘ fit to insist upon it.’

The Earl of *Chesterfield* spoke next as follows :

Earl of
Chesterfield's
 speech.

‘ My Lords,
 ‘ No body will, I believe, suspect my zeal for
 ‘ the relief of our suffering merchants. Their
 ‘ wrongs call aloud for reparation; and the nation
 ‘ requires that the strongest security should be
 ‘ given for the preservation of her rights in time
 ‘ to come. I wish both these, my Lords, may
 ‘ have been sufficiently taken care of in the con-
 ‘ vention; but I won’t anticipate your Lordships
 ‘ debate on that subject: I cannot help saying,
 ‘ however, that to me it is a most unfavourable
 ‘ symptom of its being for the good of the na-
 ‘ tion, when I see so strong an opposition made
 ‘ to it without doors, by those who are the most
 ‘ immediately concerned in its effects.

‘ The question with your Lordships is, Whe-
 ‘ ther counsel ought to be allowed to the peti-
 ‘ tioners, or not. My Lords, I think this que-
 ‘ stion ought to have admitted of no debate.
 ‘ If the petitioners desired to be heard by coun-
 ‘ sel, I think it was reasonable they should. I
 ‘ think, my Lords, no precedent should be
 ‘ brought to debar them of any indulgence they
 ‘ can, consistently with justice, ask. My Lords,
 ‘ if there are no precedents in our journal for
 ‘ hearing them by counsel, we ought to make
 ‘ a precedent in this very case, if the petitioners
 ‘ shall think fit to insist on its being for their ad-
 ‘ vantage, or necessary for our better understand-
 ‘ ing the allegations of their petition.

‘ But,

‘ But, my Lords, I own myself to be so far
‘ of the noble Lord’s opinion who spoke last,
‘ that it is a very indifferent matter to the peti-
‘ tioners whether they are heard by counsel or
‘ not. I can see no advantage that counsel can
‘ be to them in their present situation. Lawyers,
‘ my Lords, can be of no service in giving us
‘ either clearer or truer information; and, my
‘ Lords, if we sincerely want to know the truth,
‘ and nothing but the truth, we are to hear it
‘ from the mouths of the merchants themselves;
‘ because, my Lords, it is their interest to speak
‘ truth, and interest never lies. Let us, there-
‘ fore, my Lords, hear them by themselves,
‘ and I dare say your Lordships will find that
‘ their grievances have been of such a nature, as
‘ to require no embellishments of language to re-
‘ commend them to your Lordships consideration.
‘ I dare say farther, that your Lordships at the
‘ same time will find the necessity of our future
‘ security so plainly pointed out, as to stand in
‘ need of no terms of law to prove it. Thus,
‘ my Lords, we shall hear the language of the
‘ heart, a language which we may safely trust
‘ to; a language, my Lords, which I am afraid
‘ has been little talk’d, has had but little influ-
‘ ence in the conferences that preceded this con-
‘ vention. As for counsel, my Lords, if it be
‘ found necessary, the petitioners are still at liber-
‘ ty to apply for it: But I say, my Lords, let us
‘ in the mean time hear the merchants them-
‘ selves, and if justice shall be denied them where
‘ justice is expected, all the kingdom, my Lords,
‘ all *Great Britain* will be their counsel.’

The question being then put, That the peti-
tioners be heard by themselves at the bar of the
house, when the convention shall be read a second
time, it was unanimously agreed to.

Motion in
the house of
Commons
for hearing
the petition-
ers by coun-
sel.

There were debates likewise in the house of Commons upon the question, for admitting the petitioners to be heard by themselves or counsel: In which Sir *John Barnard* spoke as follows, viz.

Sir *John
Barnard's*
speech.

‘ Mr. Speaker,

‘ Sir, From the number of petitions that are
‘ now ready, or preparing to be presented to us,
‘ against our late convention with *Spain*; from the
‘ rank and character of the several petitioners; and
‘ from the allegations set forth in the petition that
‘ is now before us; we have great reason, I think;
‘ to conclude, that our convention is far from be-
‘ ing such a one as it ought to be. From the great
‘ and considerable bodies of merchants, that have
‘ petitioned, or are preparing to petition against it,
‘ and from our seeing not so much as one petition
‘ in its favour, we must conclude, that the whole
‘ body of our merchants think it a most dishonour-
‘ able, disadvantageous, and dangerous treaty. On
‘ the other hand, Sir, we ought in charity to be-
‘ lieve, that our ministers who negotiated this con-
‘ vention, and our ministers who advised his Ma-
‘ jesty to ratify it, thought it either a good one,
‘ or at least, the best that our present circumstances
‘ would permit us to insist on. Therefore, when
‘ this convention comes to be examined in this
‘ house, we ought to consider ourselves as judges
‘ in an affair, in which the whole body of our
‘ merchants, planters, and sailors, are plaintiffs,
‘ and our ministers and negotiators defendants;
‘ and, in an affair of such importance, an affair in
‘ which the parties concerned are of so great con-
‘ sequence, surely it will be allowed, that it be-
‘ hoves us not only to have the best information,
‘ both as to matters of right and matters of fact,
‘ but also to have all the proofs and arguments
‘ that can be brought upon either side of the ques-
‘ tion,

‘ tion, stated and laid before us in the most methodical, the fullest, and the clearest light.

‘ For this reason, Sir, it is, I think, absolutely necessary for us, not only to refer this petition to the committee who are to consider of the convention, which I am confident no gentleman will oppose; but I likewise think it absolutely necessary, to allow the petitioners to be heard before that committee, either by themselves or counsel, with regard to this convention, which they so heavily, and, I am afraid, so reasonably complain of; and, if our ministers and negotiators have a mind to justify their proceedings, they may move, or get one to move for them, that counsel may at the same time be heard in favour of this child of theirs, which, like other monstrous births, is in some danger of being smothered upon its first appearance in the world. As I have no intimate correspondence with them, nor with any one of them, I cannot pretend to guess at what they may, in this case, resolve on; but, as I have always had a good correspondence with our merchants and planters, I may venture to say, that such of them as are now supplicants at our bar, will be glad of being admitted to be heard by their counsel upon this occasion; and will be far from grudging any expence, that may be necessary for giving us a full and clear view of the important affair that is soon to come before us: Therefore, I shall conclude what I am to say upon the present occasion with a motion to this effect, That the petition now presented to us be referred to the consideration of the committee of the whole house, who are to consider of the convention between *Great Britain* and *Spain*, concluded at the *Pardo*, Jan. 14, 1739, N. S. and the separate articles belonging thereunto, with the several ratifications thereof; and, that the petitioners, if they think fit, be heard

‘ upon their petition, either by themselves or counsel, before the said committee.

‘ This, Sir, I take to be so reasonable a proposition, that I hope no gentleman will oppose it: However, before I make my motion, I shall beg leave to observe, that in all trials at law, even in criminal trials, where by the common method of proceeding, counsel are not admitted to be heard, wherever a point of right or law comes to be disputed, counsel are always admitted to speak, as to such points, for the better information of the judges; and yet, I hope, I may be allowed to presume, that our judges, especially of late years, are as much masters of the laws of their country, as the several members of this house can be supposed to be of the law of nations, and of the several rights and privileges which are founded upon that law, or upon the particular treaties now subsisting between us and *Spain*. Therefore, when any such right or privilege comes to be disputed before us, there is at least as great a necessity for admitting counsel to be heard upon such points for our information, as there can be for admitting counsel to be heard upon any point of law for the information of our judges.

‘ If we attend, Sir, to the petition now upon our table, we shall from thence see, that when the convention comes to be taken into consideration, there are several matters of right that must be enquired into, and some of them may, perhaps, be disputed even by some gentlemen in this house. We know that the *Spaniards* have lately pretended to a right to visit and search *British* ships, sailing to and from the *British* plantations: This is a right which, I believe, no gentleman in this house will pretend to justify; however, as the *Spaniards* do pretend to justify it, or at least have exercised it, it is a point of
‘ right,

' right, which ought to be fully inquired into, be-
 ' fore we can judge of the convention. But there
 ' is another point of right or law that will, I be-
 ' lieve, be disputed even in this house, and that is,
 ' Whether this right of visiting and searching our
 ' ships in the open seas, which the *Spaniards* lay
 ' claim to, is not in some degree admitted by us,
 ' by our agreeing to refer this pretension of theirs
 ' to the future regulation of plenipotentiaries? For
 ' if there is the least ground, even for the *Spani-*
 ' *ards* to alledge, that we have, by such reference,
 ' in any degree admitted of this pretension, surely
 ' every gentleman who has a regard for the honour
 ' and happiness of his country, will condemn a
 ' treaty which gives the *Spaniards* any ground to
 ' say so. And whether they may not from this
 ' treaty have, or pretend to have, some ground
 ' for saying so, is a point of right, which the pe-
 ' titioners seem to apprehend, and which several
 ' gentlemen in this house, as well as I, think we
 ' have reason to apprehend, though our apprehen-
 ' sions will certainly be said to be groundless, by
 ' all those who are favourers of the convention.
 ' But as this is a point which will, and must be
 ' judged of by foreigners as well as by us, we
 ' ought to have it fully argued, before we pass
 ' any judgment upon it.

' As this point in particular, Sir, depends upon
 ' the law of nations, and upon the construction
 ' that is usually put upon preliminary articles or
 ' conventions, we cannot suppose that the peti-
 ' tioners are capable of giving us any light into
 ' this affair; and therefore, if it were but for the
 ' sake of this point only, we ought to allow them
 ' to be heard by their counsel upon this occasion.
 ' There may be other points of right, which ought
 ' to be enquired into: I believe there are several
 ' others, which we ought to insist on, as the un-
 ' doubted rights and privileges of this nation; and

‘ yet the general reference contained in this con-
 ‘ vention, may hereafter give *Spain* a pretence to
 ‘ say, that even we ourselves admitted them to
 ‘ be such as were disputable. For this reason, Sir,
 ‘ before we pass any judgment in an affair of so
 ‘ great consequence to the honour, trade, and na-
 ‘ vigation of this kingdom, we ought strictly to
 ‘ examine into the import and meaning of those
 ‘ words in the first article, by which it is agreed,
 “ That the plenipotentiaries respectively named by
 “ their *Britannick* and *Catholick* Majesties, shall
 “ confer, and finally regulate the respective pre-
 “ tensions of the two crowns, as well with relation
 “ to the trade and navigation in *America* and *Eū-*
 “ *rope*, and to the limits of *Florida* and of *Caroli-*
 “ *na*, as concerning other points, which remain
 “ likewise to be adjusted.” I say, Sir, we ought
 ‘ strictly to examine into the import and meaning
 ‘ of this unlimited reference, before we pass any
 ‘ judgment; and as the import and meaning of
 ‘ these words must entirely depend upon the law
 ‘ of nations, and the nature of preliminary con-
 ‘ ventions, we cannot expect full satisfaction, as to
 ‘ this point, from the petitioners; we can no way
 ‘ expect full satisfaction, but by hearing learned
 ‘ gentlemen argue upon it, who have made such
 ‘ points their particular study.

‘ I believe, Sir, it will be admitted by every
 ‘ gentleman, both within doors and without, that
 ‘ a definitive treaty, containing a full and express
 ‘ acknowledgment of all our rights and privileges,
 ‘ would have been much better than this prelimi-
 ‘ nary convention: Considering the vigorous reso-
 ‘ lutions of both houses of Parliament last session,
 ‘ considering the spirit which at present prevails a-
 ‘ mong all ranks and degrees of men in this king-
 ‘ dom, and considering the great expence the na-
 ‘ tion was put to last summer, I believe it was
 ‘ what most men expected: Yet notwithstanding,
 ‘ if

‘ if none of our undoubted rights or privileges are
‘ rendered doubtful, or any way invalidated, by
‘ this preparatory way of treating, we may excuse
‘ our negotiators for agreeing to such preliminaries
‘ for the sake of peace, provided it appears, they
‘ had good reason to hope that those preliminaries
‘ would be soon followed by a sincere and satisfac-
‘ tory treaty; but, I hope, Sir, this nation is not
‘ yet brought so low, nor are we so fond of peace,
‘ as to give up any of our rights, or agree to any
‘ thing, for present ease, that may lay a founda-
‘ tion for contesting some of our most valuable
‘ rights in time to come. Such an unlucky situa-
‘ tion, I hope, I am convinced, the nation is not
‘ yet reduced to, whatever some gentlemen may
‘ be, who perhaps consider their own immediate
‘ ease, more than they consider either the honour,
‘ or the interest of their country.

‘ But suppose, Sir, there were no matters of law
‘ or right to be explained to us, suppose it were no
‘ way necessary to have the law of nations, or the
‘ nature of preliminary conventions explained to
‘ us; yet the facts that are to be laid before us up-
‘ on the present occasion, are so numerous, and of
‘ such various kinds, that it is not possible to have
‘ them methodically and regularly summed up,
‘ without the assistance of counsel. We must see
‘ that it will be necessary for us, to examine a great
‘ many witnesses, with regard to those depreda-
‘ tions that have been committed by the *Spaniards*,
‘ both before and since the treaty of *Seville*; with
‘ regard to the importance of our trade to and
‘ from our plantations in *America*; with regard to
‘ the dangers that trade may be exposed to, if a
‘ search of *British* ships, sailing to and from the
‘ *British* plantations, should be tolerated upon any
‘ pretext, or under any restrictions; and with re-
‘ gard to several other points I could mention:
‘ Every one of these witnesses may be able to give

‘ us an account of some of the facts he knows;
 ‘ but from daily experience we may suppose, that
 ‘ even those accounts will be but lamely and in-
 ‘ distinctly given, unless we have counsel at our
 ‘ bar, who know how to put the proper questions
 ‘ to them; and when all the witnesses have been
 ‘ examined, we cannot suppose that any of the
 ‘ petitioners will be able to sum up the evidence,
 ‘ to digest all their testimonies under their proper
 ‘ heads, and to make such remarks upon each
 ‘ point of evidence, as may be necessary for put-
 ‘ ting it in the clearest and strongest light; for
 ‘ when a subject is very copious, and a great many
 ‘ facts of divers kinds to be related, it is not pos-
 ‘ sible for any gentleman, not exercised in the art
 ‘ of speaking, or not accustomed to speak before a
 ‘ numerous assembly, let his qualifications other-
 ‘ wise be never so great, to give a regular, distinct,
 ‘ and full account of the whole.

‘ From what I have said, Sir, I think it must
 ‘ appear, that it will be extremely proper for us,
 ‘ to have the assistance of counsel upon this impor-
 ‘ tant occasion. Nay, it is what, I think, those
 ‘ gentlemen must be fond of, who are the greatest
 ‘ friends to the convention; for if it any way
 ‘ deserves those high encomiums that have been
 ‘ made upon it, by some gentlemen without doors,
 ‘ the more clearly, the more distinctly, and the
 ‘ more fully, this whole affair is laid before the
 ‘ house, the more we shall be sensible of the great
 ‘ honour and advantage the nation may reap by
 ‘ this preliminary treaty; the more easy will it be
 ‘ for them to answer any objection that may be
 ‘ made against it: For this reason, I cannot sup-
 ‘ pose, that the motion I am to make will meet
 ‘ with any opposition; and therefore I shall add
 ‘ no more, but conclude with moving, That the
 ‘ petitioners may be heard by themselves or coun-
 ‘ sel, as I have before mentioned.’

The

The next speech was that made by *Henry Pelbam*, Esq; who spoke to this effect, *viz.*

‘ Mr. Speaker,

‘ Sir, Although I am as fond as any gentleman ^{Mr. Pel-} in this house can be, of receiving all possible in- ^{bam's speech.} formation relating to the convention we have lately concluded with *Spain*, though I shall be glad to have that information laid before us in the most full and methodical manner, yet, I cannot altogether approve of what the honourable gentleman has been pleased to propose. And, indeed, it is because I am for having all proper information relating to that affair, and for having that information laid before us in the most natural, clear, and succinct manner, that I shall be against agreeing to some part of his proposition. I shall willingly concur with him, in ordering the petition now presented to us, to be referred to the committee who are to consider of the convention: I shall likewise concur with him, in allowing the petitioners to be heard by themselves before that committee; but, I cannot concur with him, in giving them leave to be heard by themselves or counsel; because, in the case now before us, I do not think it proper to admit either those who have already petitioned, or any of those who may hereafter petition, to be heard by counsel; and, my reasons for being of this opinion, I must beg leave to lay before you.

‘ I have a great respect, Sir, for the learned gentlemen of the law, and shall always be glad to hear them hold forth at our bar upon every proper occasion; but I hope they will excuse me if I say, that I do not think their manner of stating a case, or relating facts, the most natural: I hope they will pardon me, even if I should say, that it may sometimes serve to confound,

‘ instead

‘ instead of instructing their hearers. Nay, as it
‘ is the custom among them to be ready to take a
‘ fee upon either side of any question, that may
‘ occur either in this house or any other court of
‘ judicature, they must make it their business to
‘ learn how to dress up a bad cause in such fine
‘ trappings, as to make it pass for a good one.
‘ Therefore, in cases where no matter of private
‘ right or property is to be disputed, I shall al-
‘ ways be against exposing myself, or any other
‘ gentleman in this house, to the danger of being
‘ confounded or imposed on by flowers of orato-
‘ ry, or by an artful manner of stating the case,
‘ either on the one side or the other; because, I
‘ can say, for my own part at least, that I am
‘ afraid, lest I should, by such means, be per-
‘ suaded to think that a good cause which is really
‘ a bad one, or that a bad cause which is really a
‘ good one; and my fears, in this respect, al-
‘ ways encrease in proportion to the importance of
‘ the case, in which I am to give my judg-
‘ ment.

‘ After having thus shewn, Sir, the danger of
‘ admitting counsel to be heard before us, in any
‘ case where it is not absolutely necessary, I must
‘ observe, that with regard to facts, we can, in
‘ no case, suppose that counsel can give us any
‘ information, but such as they are instructed to
‘ give by those that employ them. In the pre-
‘ sent case, it is the petitioners that must instruct
‘ them what facts they are to insist on, what wit-
‘ nesses they are to call for proving those facts,
‘ and what may be the proper questions to be
‘ put to each witness; and, if we suppose the
‘ petitioners capable of instructing their counsel
‘ in all these particulars, we must suppose them
‘ capable, by themselves, of instructing this house,
‘ and of giving us all the information, as to facts,
‘ that we could expect from their counsel. I say,
‘ we

‘ we must not only suppose them capable of doing it, but I am convinced they will do it in a more natural and succinct manner, than the learned barristers usually do. Facts, Sir, are plain things, they may be disguised, but they cannot be cleared up by eloquence ; therefore, in all cases where nothing but facts are to be enquired into, the more numerous the assembly is that is to judge of them, the more danger there is in allowing them to be stated or summed up by those whose profession it is to be eloquent ; and, for this reason, I think, we ought, in the present case, to have all those facts, that may be necessary to be laid before us, stated in the most plain and natural dress, which we may expect from the petitioners themselves, but cannot from their counsel.

‘ Then, Sir, as to points of right or law, I do not think it possible that any such can arise with regard to the convention. As to those the honourable gentleman has been pleased to mention, I do not think that any one of them will be disputed in this house. Surely, no gentleman in this house will say, that the *Spaniards* have a right to search any *British* ship upon the high seas: Nor do I believe that any gentleman in this house will deny the importance of our plantation trade, or that it will be exposed to great dangers and inconveniencies, in case the *Spaniards* should be allowed to search our ships sailing on the high seas, upon any pretext, or under any restrictions. And, as to the point, whether we can be supposed to have admitted, in any degree, of such a search, by referring all matters in dispute between the two nations to be regulated by plenipotentiaries, it is a point, in which, I think, there can be no question: I am sure no gentleman in this house will say, that from such a reference any such thing can be supposed.

' supposed. If a man should claim 1000*l.* of
 ' me, may not I submit to hear his reasons, and
 ' examine his vouchers, though I know I owe
 ' him nothing? Does this submission shew any
 ' acknowledgment in me, that that sum, or any
 ' other sum is really due? So far otherwise, Sir,
 ' that I should think myself bound in charity to
 ' confer with him upon the subject, to the end
 ' that I might have an opportunity to convince
 ' him of the unreasonableness of his demand, or
 ' falshood of his vouchers, and thereby prevent
 ' his being induced to ruin himself, by com-
 ' mencing an unjust law-suit against me. This,
 ' I say, I should think myself bound in charity
 ' to do, especially if that neighbour and I were
 ' in such circumstances as made it our mutual in-
 ' terest to cultivate a mutual friendship; and,
 ' that this is the case between *Spain* and us, I be-
 ' lieve no gentleman will deny. This, Sir, is all
 ' we have done, with regard to the present
 ' disputes between *Spain* and us: We have agreed
 ' to hear what they have to say, for no other end
 ' but to convince them, that there is not the least
 ' foundation for the claims they have lately set
 ' up; and this we have done out of charity to
 ' them, as well as out of regard to our own in-
 ' terest, in order to prevent an open rupture be-
 ' tween two nations, whose mutual interest it is
 ' to live in mutual friendship. By the reference
 ' we have agreed to, we cannot be supposed to
 ' have given up, or in the least invalidated, any
 ' of our rights or privileges. We cannot be suppo-
 ' sed to have admitted, in any degree, of any of
 ' their claims: At least no such supposition can
 ' be made by any, but those who have a mind to
 ' suppose so, only for the sake of finding fault
 ' with the convention.

' This nation, thank God! Sir, is far from be-
 ' ing in any unfortunate situation. I hope it ne-

ver

‘ ver will be reduced to the fatal necessity of
‘ giving up any of its valuable rights or privi-
‘ leges, for the sake of peace. I hope no man
‘ has any influence in his Majesty’s counsels, that
‘ for any selfish consideration would advise him to
‘ do so. I am sure his Majesty would reject such
‘ advice with the utmost disdain; and therefore,
‘ no man, if he were wicked enough, will be
‘ bold enough, to give it. But there are some
‘ persons in the nation, though none in this
‘ house, who are enemies to his Majesty and his
‘ Family; and as such persons place all their
‘ hopes in insurrections and invasions, they en-
‘ deavour to make the world believe, that this
‘ nation is reduced to the lowest and most con-
‘ temptible condition, by which, they hope to
‘ serve a double purpose; for, at the same time,
‘ that it contributes towards rendering our own
‘ people disaffected, they think it will encourage
‘ foreigners to invade us, or to provoke us to
‘ war, by refusing to do us justice. This may
‘ have some effect upon some ignorant and un-
‘ thinking people, but no man of sense can be so
‘ imposed on; and it is now, I hope it will al-
‘ ways be, in our power, as soon as we think it
‘ necessary, to make our enemies sensible, that
‘ our forbearance proceeded from our wisdom,
‘ and not from our weakness or pusillanimity.

‘ From what I have said, Sir, it will appear,
‘ that none of those points of right that have
‘ been mentioned, can come to be disputed in
‘ this house; and surely, we have no occasion to
‘ hear counsel, as to points of right which no
‘ man will contest. But now, suppose they were
‘ all to be contested, even in that case, we could
‘ have no occasion to take up our time with hear-
‘ ing counsel. All the points that have been men-
‘ tioned, and all the points of right that can come
‘ before us upon the present occasion, are of a
‘ publick

‘ publick nature ; and, with respect to matters of
‘ publick right, there are many gentlemen in this
‘ house, that understand them better, and can ex-
‘ plain them more fully and clearly, than any
‘ lawyer, whose time is chiefly employed in stu-
‘ dying the municipal laws of his country. I be-
‘ lieve there is not a gentleman in this house but
‘ would chuse, I am sure I would chuse, to hear
‘ the honourable gentleman himself upon such a
‘ subject, rather than any lawyer in the kingdom.
‘ It is in matters of private right or property
‘ only, where the hearing of counsel can be of
‘ any advantage to us ; because, as such matters
‘ are generally more perplexed than matters of a
‘ publick concern, gentlemen who do not make it
‘ their particular study, cannot be supposed to
‘ know all the laws and customs that may relate
‘ to them, or the precedents by which they ought
‘ to be regulated.

‘ In such cases, Sir, in all cases where the pri-
‘ vate right or property of any man in the king-
‘ dom is to be affected, by any thing that is to
‘ pass in this house, I know it is usual to admit
‘ the petitioners to be heard by their counsel ; but
‘ I know no instance where counsel have been ad-
‘ mitted, in any case, where national rights or
‘ privileges only could be said to be affected. I
‘ am far from thinking that any national right or
‘ privilege can be in the least affected, by our late
‘ convention with *Spain* ; but, if this were the
‘ case, I think it would be a bad precedent to ad-
‘ mit counsel to be heard upon such an occasion.
‘ I know the subject has a right to petition, even
‘ upon such occasions : I shall always be, not only
‘ for preserving that right, but for encouraging
‘ the practice. But, in all cases, we have a right
‘ to hear them or not, as we see cause ; and, in
‘ matters of a publick concern, we seldom hear
‘ them even by themselves. In money bills we
‘ never

' never do: In such bills it is almost a general
 ' rule, not so much as to receive petitions against
 ' such bills; and it would be extremely inconven-
 ' nient to introduce the practice of hearing coun-
 ' sel, in cases of a publick nature. If such a
 ' practice should become frequent, our sessions of
 ' Parliament would become not only annual, but
 ' continual. We would be obliged to sit from
 ' one year's end to the other; in which case, it
 ' would become necessary to revive the antient
 ' custom of paying wages to our Parliament men;
 ' and, as money is now of much less value than
 ' it was when that custom prevailed, it would
 ' likewise become necessary to encrease those
 ' wages, which would be a new and a heavy
 ' charge upon all the counties, cities, and bo-
 ' roughs in the kingdom.

' Whoever therefore may be the parties, plain-
 ' tiff and defendant, when we come to take this
 ' convention into our consideration, it must, I
 ' think, Sir, appear to be a precedent of a very
 ' dangerous nature, to admit the petitioners against
 ' it, to be heard by their counsel. For my own
 ' part, I am far from thinking, that the whole
 ' body of our merchants, planters, and seamen,
 ' will appear as plaintiffs against it. What means
 ' may have been used for spiriting up petitions
 ' against it, I shall not pretend to determine; but,
 ' I believe, if any means had been made use of
 ' for spiriting up petitions in its favour, we should
 ' have had as many petitions of the one side as of
 ' the other; for, I cannot but think, that the
 ' greatest part of our merchants, planters, and
 ' seamen, will always be for preserving peace, if
 ' possible. And as to those who were concerned
 ' in negotiating this treaty, I believe they think
 ' it stands in no need of counsel for its justifica-
 ' tion: I believe, they think it will speak suffici-
 ' ently for itself; therefore, I believe, they will

‘ not desire to have it recommended by the arts of
 ‘ eloquence; and, as I think the admitting of
 ‘ counsel to be heard against it, is not only unnecessary,
 ‘ but in several respects dangerous: As I
 ‘ think it would be taking up a great deal of our
 ‘ time to very little purpose; I shall therefore conclude,
 ‘ with moving for an amendment to the
 ‘ honourable gentleman’s motion; which is, That
 ‘ the word, *either*, and the words, *or counsel*, may
 ‘ be left out of the question.’

The speech of Sir *William Wyndham*, in the debate, was in substance thus, *viz.*

‘ Mr. Speaker,

Sir *William*
Wyndham’s
 speech.

‘ Sir, I am glad to find that the honourable
 ‘ gentleman who spoke last, is for shewing some
 ‘ sort of regard to the petition now before us. I
 ‘ confess, I had some apprehensions, that this petition
 ‘ would have been treated as the petition of
 ‘ the city of *London* against the late famous excise
 ‘ scheme was treated, that you would only have
 ‘ ordered it to lie upon the table; because, I am
 ‘ convinced the petitioners, if they are allowed to
 ‘ be heard, either by themselves or counsel, will
 ‘ be able to make out all they have alledged, and
 ‘ more than they have alledged in their petition.
 ‘ For this reason, I say, I was afraid that some
 ‘ gentlemen would have been as much against any
 ‘ person’s being heard against this scheme of a
 ‘ peace, as they were against any person’s being
 ‘ heard against that scheme of an excise; and, as
 ‘ this would have been shewing such a disregard to
 ‘ the merchants and trade of our country, as
 ‘ would, in my opinion, have been inconsistent
 ‘ with the honour of this house, therefore, for the
 ‘ sake of the honour and character of this Parliament,
 ‘ I am glad to find, we are like to shew a
 ‘ greater regard to the petition of our merchants
 ‘ against

‘ against the scheme now before us, than was
‘ shewed by the last Parliament to the petition of
‘ the city of *London* against the scheme I have
‘ mentioned; and, for the same reason, since the
‘ honourable gentleman is willing to shew some
‘ regard to the petitioners upon this occasion, I
‘ hope he will, at last, agree, that we should shew
‘ them all possible regard, by allowing them to be
‘ heard either by themselves or counsel.

‘ But, for my own part, Sir, I must say, that
‘ I am quite indifferent, whether you admit them
‘ to be heard by their counsel or no. I should be
‘ extreamly easy, even if you should refuse to
‘ hear them either by themselves or counsel; for,
‘ with respect to this scheme of peace, this con-
‘ vention, which is now before us, I do not think
‘ I stand in need of any information the petitioners
‘ can give, for assisting me to form a right opinion
‘ of it. As treaty-making could never be said to
‘ be the talent of this nation, we have made many
‘ treaties that have afterwards been found to be
‘ disadvantageous; but, upon the very face of this
‘ convention, and at first view, it appears to me,
‘ to be not only the most disadvantageous, but the
‘ most dishonourable treaty we ever made. No-
‘ thing, I think, can in the least excuse our agree-
‘ ing to it, but our being in the most unfortunate,
‘ the most contemptible situation, an independent
‘ nation was ever in; and this, I am sure, the pe-
‘ titioners cannot shew. If we are in such a situa-
‘ tion, which God forbid, it is those only who
‘ made this treaty that can shew it; but, if they
‘ should tell us that this was their reason for advi-
‘ sing his Majesty to ratify such a treaty, it is far
‘ from being an argument of our approving it.
‘ Unlucky circumstances, either at home or abroad,
‘ may be a reason for our suspending our resent-
‘ ment, but it can never be a sufficient reason for
‘ our agreeing to a dishonourable treaty; and, if

‘ we are in such circumstances, it is the duty of
 ‘ this house, to enquire into the conduct of those
 ‘ who have brought us into such circumstances,
 ‘ and to punish them for their wickedness or folly;
 ‘ for this nation can never be brought into such
 ‘ circumstances, but by the extreme wickedness or
 ‘ folly of those who have been intrusted with the
 ‘ administration of our publick affairs.

‘ This, I say, Sir, is the opinion I have already
 ‘ formed: It cannot be made worse by any thing
 ‘ the petitioners or their counsel can say against,
 ‘ and I do not believe it will be made better by
 ‘ any thing that can be said in favour of this con-
 ‘ vention. But as some gentlemen may not yet
 ‘ look upon this new treaty, or rather preliminary
 ‘ to a treaty, in the same light I do, and as I think
 ‘ it necessary we should be as unanimous as possible
 ‘ in an affair of so great importance, I shall be for
 ‘ giving as much fair play as possible both to our
 ‘ merchants, and to those whom I must, upon
 ‘ this occasion, look on as their antagonists, I
 ‘ mean our negotiators, and others who were con-
 ‘ cerned in cooking up this whetting morsel, which
 ‘ they seem to have contrived on purpose for
 ‘ sharpening our appetites, in order to make us
 ‘ digest any treaty *Spain*, in all her haughtiness,
 ‘ shall please to vouchsafe. I say, Sir, I shall be
 ‘ for giving both these parties as much fair play as
 ‘ they can desire, and therefore, I shall be for al-
 ‘ lowing the petitioners to be heard by themselves
 ‘ or counsel. When we have given them this li-
 ‘ berty, they may then chuse which they think
 ‘ best, and as they know their own abilities, and
 ‘ the several matters they have to lay before us,
 ‘ much better than we can pretend to, they are
 ‘ certainly better judges than this house can be,
 ‘ whether it will be necessary for them to have
 ‘ counsel; for unless they think it absolutely ne-
 ‘ cessary

‘ cessary for them to employ counsel, we may de-
‘ pend on’t they’ll save themselves the expence.

‘ I am sorry to find, Sir, that those who are a-
‘ gainst this question, should think it necessary,
‘ upon this occasion, to throw out any thing that
‘ may look like a reflection upon the learned gen-
‘ tlemen at the bar. As they are not to set them-
‘ selves up as judges in any case they are employ-
‘ ed in, it is their business, it is even their duty,
‘ where no palpable fraud appears, to state their
‘ client’s case in the fairest light they can; and if,
‘ upon one side of the question, the case be design-
‘ edly put in a confused, or in a false or deceitful
‘ light, or if any sophistical arguments be made
‘ use of, it is the business of those who are em-
‘ ployed on the other side, to state the case in a
‘ clear light, to expose the falshood or deceit, and
‘ to shew the sophistry of the arguments made use
‘ of by their antagonists. This renders it almost
‘ impossible for the judges, or indeed for any hear-
‘ er, to be deceived or imposed on by the art of
‘ the speaker, upon either side of the question;
‘ because the speakers upon both are supposed to
‘ be, and generally are, pretty equally masters of
‘ their business; and therefore, the admitting of
‘ counsel to be heard in any case, either of a pub-
‘ lick or private nature, can never be of the least
‘ dangerous consequence, but on the contrary,
‘ must always be of great use for giving the judges
‘ a clear and distinct notion of the case in which
‘ they are to give judgment, and of the arguments
‘ that may be made use of upon both sides of the
‘ question.

‘ Sir, if the argument the honourable gentleman
‘ has been pleased to make use of against hearing
‘ counsel upon this occasion, were of any weight,
‘ it would be an argument against hearing counsel
‘ upon any occasion whatsoever, or in any case,
‘ either of a publick or private nature; for we

' ought certainly to be as cautious of allowing our-
 ' selves to be imposed on, or artfully misled, in
 ' the latter, as in the former. Even the judges
 ' of our courts of law and equity ought to be a-
 ' fraid of hearing counsel in any case that comes
 ' before them. In short, we ought to treat bar-
 ' risters at law as we do conjurers: We ought to
 ' make it penal for any man to study or profess
 ' that art, which we call the art of elocution. In
 ' this case, what would be the consequence? Eve-
 ' ry man must necessarily plead his own cause;
 ' and if none but parties were to be heard, they
 ' would be often unequally matched; for as one
 ' man may be naturally more eloquent than ano-
 ' ther, and more accustomed to speak before a
 ' publick assembly, not only this house, but every
 ' court in the kingdom, would be more liable to
 ' be imposed on by hearing parties by themselves
 ' only, than by hearing them by their counsel;
 ' because there might be a great deal of natural
 ' eloquence, and perhaps assurance, of one side,
 ' and nothing but confusion and bashfulness on the
 ' other. Therefore, in every case of importance,
 ' whether of a publick or private nature, it seems
 ' to be absolutely necessary to admit parties to be
 ' heard, rather by their counsel, than by them-
 ' selves.

' As the gentlemen at the bar, Sir, are never,
 ' in any case which they plead, to give their judg-
 ' ment or their vote, they may therefore lawfully,
 ' honestly, and honourably take a fee for pleading
 ' any cause they undertake; but where a man is to
 ' give his judgment or his vote, I am sure every
 ' gentleman in this house will agree with me, that
 ' it is neither honourable, honest, nor lawful to
 ' take a fee, or any other reward, either for speak-
 ' ing or voting. He ought not so much as to ac-
 ' cept of a favour, or a present, from either of the
 ' parties concerned in the case, in which he is to
 ' give

‘ give his vote or judgment. Nay, in such cases,
‘ if a man has any particular attachment to one
‘ side more than the other, he ought not to look
‘ upon himself as an impartial judge in that affair;
‘ for which reason, he ought to avoid giving his
‘ opinion. In all cases therefore, where there are
‘ two parties concerned, gentlemen ought to ex-
‘ mine themselves strictly, before they venture to
‘ give their judgment or their vote upon either
‘ side of the question; for though the heart cannot
‘ perhaps be corrupted, the judgment may be mis-
‘ led, by favours received, or by personal attach-
‘ ments.

‘ Having thus shewn, Sir, that the gentlemen,
‘ called barristers at law, are neither usefess nor
‘ dangerous, and that they may be admitted to be
‘ heard in every case that comes before us, with-
‘ out our running the least risk of being imposed
‘ on by their eloquence; I must now take some
‘ notice of the other arguments made use of against
‘ admitting them to be heard, in the case now be-
‘ fore us. As to facts, Sir, I shall allow they are
‘ plain things, more plain perhaps than some peo-
‘ ple desire. They are so plain, that I do not find
‘ they can be disguised by all the mercenary elo-
‘ quence in the kingdom. But, as plain as they
‘ are, it requires some art, some practice, to state
‘ them in their proper light, especially where they
‘ are numerous and of various kinds. With re-
‘ spect to facts, we know that true eloquence con-
‘ sists in relating what are necessary, and no more
‘ than what are necessary; therefore, for saving
‘ time, we ought to admit the petitioners to be
‘ heard rather by their counsel than by themselves;
‘ for as none of them are practised in the art of
‘ speaking, they may forget, or omit, to give us
‘ an account of some of the most material facts,
‘ and dwell upon others that are nothing to the
‘ purpose; so that a great deal of our time may be
S 3 ‘ taken

' taken up in hearing a prolix account of facts that
 ' are of no great signification, and yet at the end
 ' we may have but a very lame account of those
 ' facts which are the most material. Counsel, 'tis
 ' true, must have instructions from those that im-
 ' ploy them: They must, from their clients, have
 ' an account of the facts that may be proved, and
 ' of the witnesses that can prove them; but in the
 ' course of the examination some material facts may
 ' be hinted at, which the petitioners did not before
 ' know of. If counsel were present at the bar, they
 ' would immediately lay hold of such hints, and
 ' by putting proper questions might have them
 ' fully explained: Whereas, otherwise, such hints
 ' may probably pass unobserved, and by that means
 ' some of the most material facts may remain in ob-
 ' scurity. From whence we may see, that it is not
 ' always from the client that the counsel are to
 ' learn what may be the proper questions to be put
 ' to each witness. The client may in general say,
 ' that such a witness is to be examined as to such
 ' a point; but it is the counsel that must think of
 ' the proper questions to be put to him, in order
 ' to make him give an account of all he knows
 ' relating to that point; and those questions cannot
 ' so much as be thought of, but in the course of
 ' the examination; which no man can be supposed
 ' so capable of, as those who are daily conversant
 ' in such affairs.

' Thus, Sir, it appears, that, with regard to
 ' facts, if we admit the petitioners to be heard by
 ' themselves only, we may probably have a great
 ' deal more of our time taken up, than if we were
 ' to admit them to be heard by their counsel, and
 ' that we cannot expect so full and distinct an ac-
 ' count of all the material facts, as we ought to
 ' have in an affair of so great importance. As we
 ' shall probably have a great many petitions besides
 ' this now before us; as every one of those peti-
 ' tions

‘ tions may complain of some particular point that
‘ affects them only, the examination of witnesses
‘ must last for several days, and must relate to
‘ points of a very different nature. In such a case,
‘ can we suppose that any gentleman, who has
‘ never made it his business, will be able to sum
‘ up the evidence? Let every gentleman of this
‘ house apply the case to himself: Let him lay
‘ his hand upon his heart and declare, whether
‘ he thinks he would be able to sum up the evi-
‘ dence, notwithstanding his being acquainted
‘ with, and perhaps accustomed to speak in this
‘ assembly. What then can he expect from any
‘ gentleman that never was of this house, nor
‘ ever before, perhaps, spoke before any publick
‘ assembly?

‘ Now, Sir, as to matters of right or proper-
‘ ty, the honourable gentleman endeavoured first
‘ to shew, that no such matter could come to
‘ be disputed before us. Sir, I believe the rights
‘ of this nation, that have been lately disputed
‘ by *Spain*, will not be in the least controverted
‘ before us. No man will dare to stand up in
‘ this assembly, and deny any one of those rights,
‘ that *Spain* has been lately allowed to dispute
‘ with us. It was inconsistent with the honour
‘ of the nation to allow them to be disputed in
‘ any negotiation. That of a free navigation
‘ upon the open seas, is a right so plain and evi-
‘ dent, and of such consequence, that we ought
‘ to have broke off all manner of negotiation, as
‘ soon as the *Spaniards* pretended to deny it; and
‘ since they had pretended to set up a claim that
‘ was inconsistent with this right, we ought never
‘ to have renewed our negotiations with them,
‘ till they had previously relinquished that unjust
‘ claim, and expressly acknowledged our right.
‘ Whereas it now appears, that we have not only
‘ negotiated, but have treated without any such
‘ relinquish-

‘ relinquishment or acknowledgment: Nay, we
 ‘ have expressly, by this treaty, referred it, a-
 ‘ mongst others, to be regulated.

‘ What the meaning of this reference may be,
 ‘ Sir, what interpretation may be put upon it, is
 ‘ a matter of right that must be inquired into,
 ‘ before we approve of this treaty. It is not
 ‘ what meaning may be put upon it by this house,
 ‘ or by any gentleman in this house, that we are
 ‘ to enquire into: It is what meaning may be put
 ‘ upon it by *Spain*, or by foreigners; for if the
 ‘ court of *Spain*, or any foreign court whatever,
 ‘ can suppose, that by this reference we have in
 ‘ any degree admitted of those claims the *Spa-*
 ‘ *niards* have lately set up against us, it will with
 ‘ them bring this nation into contempt; and
 ‘ surely the Parliament of *Great Britain* is not to
 ‘ approve of a treaty that will bring *Great Bri-*
 ‘ *tain* into contempt, at any court in *Europe*. It
 ‘ is not, Sir, because I have a mind to find fault
 ‘ with this treaty, that I suppose this reference
 ‘ will be interpreted as an admission of the most
 ‘ dangerous claim *Spain* has set up against us: It
 ‘ is because I think such a reference cannot be
 ‘ otherwise interpreted, that I must find fault
 ‘ with this treaty. *Spain* pretends to a right to
 ‘ search our ships upon the open seas, and to con-
 ‘ fiscate the ship and cargo, if one shilling’s worth
 ‘ of any goods be found on board, which they
 ‘ may please to call the produce or manufacture
 ‘ of their plantations. This right, among the rest,
 ‘ we have referred to be regulated. Is not this
 ‘ acknowledging the right? Is it possible to regu-
 ‘ late a right that never was in being? Let us
 ‘ put the case the other way. We pretend, and
 ‘ most justly pretend, to a free navigation in the
 ‘ open seas. Formerly we pretended to a domi-
 ‘ nion over the seas; but now we are reduced to
 ‘ pretend only to what every independent state
 ‘ has

‘ has a right to by the law of nations ; and even
‘ this right we have, by this treaty, referred to
‘ be regulated by *Spanish* plenipotentiaries. Is not
‘ this the greatest indignity that ever an indepen-
‘ dent nation submitted to ? Shall we allow *Spain*
‘ to prescribe rules to the freedom of our naviga-
‘ tion in the open seas ? If we should now say we
‘ cannot admit of any such thing, *Spain* may
‘ justly reply, You have already admitted it by
‘ your preliminary articles ; the only thing the
‘ plenipotentiaries have to do, is, to settle and
‘ agree upon those rules which we are to pre-
‘ scribe.

‘ If any man should claim of me, Sir, 1000*l*.
‘ which I knew he had not the least pretence for,
‘ I should, perhaps, out of charity, vouchsafe to
‘ hear what he could say in justification of his
‘ claim ; but I should think myself a madman, if,
‘ to avoid a law-suit, I should submit such a claim
‘ to arbitration. We have heard the reasons al-
‘ ledged by *Spain*, for every one of the unjust
‘ claims they have lately set up against us. We
‘ have had the patience to hear them over and
‘ over again, during the long course of our nego-
‘ tiations. We ought, I am sure we could, and
‘ I hope we have shewn them, that there is no
‘ weight in any of the reasons they have alledged,
‘ nor the least foundation for any one of the
‘ claims they have set up. This we might have
‘ done for once, without doing ourselves any no-
‘ table injury ; but we negotiated too long, and
‘ now at last, by this treaty, we have submitted
‘ all the unjust claims they have set up against us
‘ to arbitration. They must have been convinced
‘ long before now, that they had no reasonable
‘ pretence for refusing to do us justice ; but, if
‘ they were not, can we hope that they will be
‘ more tractable, or less obstinate, in conferring,
‘ than we have already found them in negotiating ?

‘ Can

‘ Can we expect that the arguments of Mr. *Keene*
 ‘ the plenipotentiary, will have greater weight
 ‘ than the same arguments had when urged by
 ‘ Mr. *Keene* the envoy? No, Sir, they will not
 ‘ now admit him to say, You have no right to
 ‘ search our ships upon the open seas, under any
 ‘ pretence whatsoever: They will tell him, You
 ‘ have already, by the preliminary convention,
 ‘ admitted our right; your only business now is,
 ‘ to propose to our plenipotentiaries such regula-
 ‘ tions, as may make our right of searching as
 ‘ little hurtful to your trade as possible. This is
 ‘ what I am convinced the *Spaniards* will say,
 ‘ and whether or no they may have a right, from
 ‘ the words of this treaty, to say so, is a question
 ‘ of right, which we ought to hear argued by
 ‘ counsel, before we pass judgment upon this con-
 ‘ vention. If there be the least pretence for their
 ‘ saying so, they have already got a great advan-
 ‘ tage over us, by his Majesty’s ratification; but
 ‘ they will get a much greater, by the Parlia-
 ‘ ment’s approbation of that treaty, which fur-
 ‘ nished them with such a pretence.

‘ I am glad to hear, Sir, from the honourable
 ‘ gentleman, that the nation is far from being in
 ‘ any unfortunate situation; because, he ought to
 ‘ know, and I am convinced he never speaks con-
 ‘ trary to what he thinks; but, whatever we
 ‘ may think, or say within doors, I’m afraid a
 ‘ very different opinion generally prevails without
 ‘ doors. The people do not judge from what
 ‘ they hear, but from what they see and feel.
 ‘ They have felt themselves insulted, plundered,
 ‘ and even cruelly used, by the *Spaniards*: They
 ‘ have, as yet, felt no reparation, nor do they
 ‘ know of any vengeance that has been taken.
 ‘ On the contrary, it is well known, both abroad
 ‘ and at home, that we have tamely submitted to
 ‘ repeated insults and depredations for many years.

‘ We

‘ We have submitted so long, that the *Spaniards*
‘ seem to think they have acquired a right by
‘ prescription, to plunder our merchants, and
‘ abuse our seamen, as often as they have a mind.
‘ From our suffering such injuries, and indigni-
‘ ties to pass unpunished, not only our own peo-
‘ ple, but every foreigner that hears of it, may
‘ have some reason to conclude, that the nation is
‘ in a weak and contemptible condition, or that
‘ some of those that have an influence in our
‘ counsels, are swayed by motives inconsistent
‘ with the honour and interest of their country.
‘ It is not from the reports of his Majesty’s ene-
‘ mies, but from the conduct of his Majesty’s
‘ ministers, that people form their judgment; and
‘ therefore, if there be any one, either at home
‘ or abroad, that supposes this nation to be in an
‘ unfortunate situation, it must be imputed to his
‘ Majesty’s ministers, who, in this respect might,
‘ indeed, be justly called his Majesty’s greatest and
‘ most dangerous enemies.

‘ In the case now before us, Sir, we ought to
‘ consider rather what the people without doors
‘ may think, or what foreign nations may think,
‘ than what any particular gentleman of this
‘ house may think of our present situation. From
‘ our past conduct, I am afraid, foreign nations
‘ have already begun to form a very unfavourable
‘ opinion of our circumstances; but, if they
‘ should see a treaty approved of by Parliament,
‘ containing any words that can be interpreted as
‘ an admission of a right, which no independent
‘ nation ever submitted to, they must form a
‘ most contemptible opinion of us, and certainly
‘ will treat us accordingly. Therefore, I think,
‘ it is absolutely necessary for us to hear counsel,
‘ upon what may be thought to be the import of
‘ that general reference, which seems to be the
‘ chief article of this treaty.

‘ I do not question, Sir, but that there are several gentlemen in this house, who are pretty well acquainted with the law of nations, and the nature of treaties; I have one in my eye, who must be allowed to be a great master in this way; for though he never made it his profession, he is well known to have had great practice; and, I make no doubt of our having his assistance, when this treaty comes to be explained. But no gentleman, who never made this study his profession, can be supposed to be so well acquainted with it, as those that do. In one of our courts of justice, I mean our court of admiralty, we know that the barristers or advocates are obliged to make this study their particular profession; and as our other barristers may happen to be employed in appeals from that court, most of them are obliged to make themselves thorough masters of the law of nature and nations, especially with regard to maritime affairs. Therefore, when an important question of any such nature is like to come before us, it must always be of great use to hear counsel, before we give our opinion upon the question.

‘ In any such case, Sir, our admitting counsel to be heard, can never be a dangerous precedent. If it were established as a general rule, it could be attended with no bad consequence; because such cases but rarely occur. But, if they were much more frequent, it would be no argument against our doing our duty, which is, in all cases, to endeavour to be thoroughly informed; before we give our opinion. If this should prolong our sessions of Parliament, and if the length of our sessions should make it necessary to revive the antient custom of paying wages to our Parliament-men, I cannot think that either would be a loss to the nation, or an innovation

‘ innovation of our constitution. The last would
‘ certainly be an advantage, because it would
‘ make our little boroughs do as many of them
‘ have formerly done : It would make them peti-
‘ tion for being freed from the burden of sending
‘ burgessees to Parliament ; and if no little bo-
‘ rough in the kingdom sent a member to this
‘ house, it would, in my opinion, be an advan-
‘ tage to the nation, and an improvement of our
‘ constitution ; because the people would be much
‘ more equally represented.

‘ But now, Sir, suppose it were allowed to be
‘ an established rule in our proceedings, never to
‘ admit counsel to be heard in any case, where no
‘ private right or property is concerned, yet this
‘ could be no argument against our admitting
‘ counsel to be heard with regard to this conven-
‘ tion ; for, if we are ever to admit counsel to be
‘ heard in any case, that may relate to matters of
‘ private right or property, they ought to be ad-
‘ mitted to be heard in this ; because it must be
‘ granted, that the private property of great
‘ numbers of his Majesty’s subjects is deeply con-
‘ cerned. The claims of our merchants, the pro-
‘ perty they have been robb’d of, amounts to
‘ above 400,000*l*. The very petitioners now be-
‘ fore us have a great share in this property ; and
‘ shall we say, their private property is no way
‘ concerned, when that whole claim is to be given
‘ up for 95,000*l*? Can a man’s private property
‘ be said to be no way concerned, when he finds
‘ himself in danger of being obliged, by autho-
‘ rity of Parliament, to accept of less than 5*s*. in
‘ the pound, from a debtor who does not so
‘ much as pretend to be bankrupt or insolvent?

‘ The people of *Georgia* and *Carolina*, Sir,
‘ have a property in the lands they possess, found-
‘ ed upon what ought to be held one of the most
‘ sacred rights in the world, the King’s grant,
‘ and

‘ and their own industry; and can their property
 ‘ be said to be no way concerned, when limits are
 ‘ to be settled, by which some of them must,
 ‘ and, for what they or we know, all of them
 ‘ may be stript of their possessions? I say, Sir,
 ‘ some of them must, and all of them may; for
 ‘ if we happen to be infected with the same com-
 ‘ plaisant humour, when we conclude the defini-
 ‘ tive treaty, with which we seem to have been
 ‘ infected when we concluded the preliminary ar-
 ‘ ticles, I do not know but the whole, or a great
 ‘ part of *South Carolina* may be made a present
 ‘ of, for keeping the *Spaniards* in good humour.
 ‘ At least, some of the southern parts of *Georgia*
 ‘ must be given up; for it would have been ridi-
 ‘ culous in us to refer the limits between the *Spa-*
 ‘ *niards* and us in *Florida*, to be settled by pleni-
 ‘ potentiaries, if at the same time we had been
 ‘ resolved not to part with an inch of what we
 ‘ then pretended to.

‘ The *South-Sea* company, Sir, have a right
 ‘ and property in the *assiento* contract; a property
 ‘ that would have been of great value to them,
 ‘ as well as to the nation, if we had taken care to
 ‘ resent, in a proper manner, every invasion that
 ‘ was made upon it. Can it then be said, that
 ‘ the private property of the *South-Sea* company
 ‘ is no way concerned in a treaty, when, by the
 ‘ fundamental article of that treaty, I mean the
 ‘ King of *Spain*’s declaration, agreed upon with
 ‘ *reciprocal accord*, we have, in some measure,
 ‘ acknowledged his right to suspend the *assiento*
 ‘ contract, unless that company subjects herself to
 ‘ pay, within a short term, a large sum of money,
 ‘ which he has no good right to demand, and
 ‘ which, though he had, he ought to allow in
 ‘ part of payment of a much greater sum due by
 ‘ him to them?

‘ Sir,

‘ Sir, the private property of the *South-Sea*
‘ company must be so deeply concerned in any
‘ question that can come before us relating to this
‘ convention, and has, in my opinion, been so
‘ greatly injured by our receiving or agreeing to
‘ this declaration, that I am surprized they were
‘ not the first to petition against the convention.
‘ I know of no means that have been made use
‘ of, either publick or private, for spiriting up peti-
‘ tions against it, except that of its being printed
‘ and published: I believe there was no occasion
‘ for making use of any other means. But, if
‘ the *South-Sea* company do not petition against
‘ it, I shall be convinced that some under-hand
‘ means have been made use of for preventing
‘ such petitions; and from thence, I shall be apt
‘ to suspect that, if it had been possible to pro-
‘ cure any one petition in its favour, no proper
‘ means would have been wanting.

‘ But, Sir, whatever means may have been
‘ made use of spiriting up petitions, either for or
‘ against this convention, I think I have made it
‘ appear, that the private property of a great
‘ many of his Majesty’s subjects must be con-
‘ cerned in any question that can come before us
‘ relating to it: I think it is evident, that the pri-
‘ vate property of those, whose petition we have
‘ now before us, must be deeply concerned; and
‘ therefore, if counsel are ever to be heard in
‘ any case, where private property is concerned,
‘ they ought to be heard when we come to
‘ take this convention into our consideration.
‘ For which reason I shall be for agreeing to the
‘ motion without any amendment.’

The

The next speech was that of *John Talbot, Esq;* the purport of which was as follows, viz.

• Mr. Speaker,

Mr. Talbot's
speech.

• Sir, Though I am far from thinking it dangerous to hear counsel upon any case whatever, yet
• I cannot think it is always necessary, and in parliamentary affairs, when it is not absolutely necessary, I must think it ought not to be allowed;
• because, by so doing, we take up a great deal of our time, and lay those who have business before us under a temptation, at least, of putting themselves to expence, to no purpose. This, Sir, is
• far from being a new opinion, or a new way of thinking; for, however necessary we may now think it, to hear counsel in every case that comes
• before Parliament, or before our courts of justice, it was not thought so of old: So far otherwise, that by the common law of *England*, neither the
• plaintiff nor defendant, in any of our courts of justice, could appear by his attorney, without
• the King's special licence signified to the court, by his writ or letters patents: Every man of old
• was obliged both to prosecute and defend his suit in his own person; and, upon this custom, the
• learned *Coke* observes, that it made law-suits less frequent, which, I believe, was no loss to the
• kingdom in general, whatever inconvenience it might be to particular persons.

• However, Sir, whether the modern practice of admitting every man that pleases to appear by his attorney, and hearing counsel almost upon every case that occurs, be more for the benefit of the nation, I shall not now take upon me to determine. Only, so far, I think, I may say upon the present occasion, that it would be very
• unadvisable to introduce the custom of permitting every man to be heard by his counsel, that
• might

‘ might think himself aggrieved, by any regulation proposed in Parliament for the publick good.
‘ In some cases of an extraordinary nature, this perhaps has been allowed; but it cannot yet be said to be an established custom; and I hope it never will. In cases where the rights and properties of private men appear to be concerned, it may sometimes be necessary to hear counsel; but even with regard to such cases, the honourable gentlemen, who have spoke upon the other side of the question, seem to be in a mistake. They seem to think, that in all such cases we ought to allow parties to be heard by themselves or counsel, which is far from being a rule, nor ought it ever to be admitted as a rule in our proceedings. Even in such cases, we ought to distinguish between those in which some nice point of law may probably arise, and those in which no such point of law can come to be canvassed before us. In those cases, where not only the property of private men appears to be concerned, but where some nice point of law relating to that property may probably come to be disputed, it becomes necessary for us to have that point argued by counsel, learned in the laws of the kingdom; and for that reason we ought, in such cases, to admit the parties, or petitioners, to be heard by themselves or counsel: But in cases where no such point can be expected to arise, notwithstanding their being such as may affect the property of some private men, it is no way necessary, nor ought we to take up our time with hearing counsel as to facts, or clear points of law, which every gentleman in the house may comprehend as readily, and as fully as the most learned lawyer that can be brought to plead before us.

‘ This, I believe, Sir, will be allowed to be the case, with regard to the convention, which we are soon to have under our consideration, and

' against which the petitioners, now before us,
 ' have been pleased to bring their complaint. The
 ' right or property of some private men may per-
 ' haps be affected, by any resolution we can come
 ' to upon that occasion; but no one, I think, can
 ' expect, that any difficult point of law, relating
 ' to that right or property, can come to be dispu-
 ' ted: At least, for my own part, I expect no such
 ' thing; and therefore I must think it quite unne-
 ' cessary to take up our time with hearing counsel,
 ' either for or against the convention. But if I
 ' should find myself mistaken, if in the course of
 ' our examination some point of law should arise,
 ' which may be thought proper to have explained
 ' by counsel, we may then order, that the petition-
 ' ers shall be heard by themselves or counsel, as to
 ' that point only.

' In this way, Sir, we may save ourselves a great
 ' deal of time and trouble, and may prevent the
 ' petitioners putting themselves to a needless ex-
 ' pence; and if this method were established as a
 ' general rule in all our proceedings, even in cases
 ' where the right or property of private men may
 ' be affected, no man could say it would be any
 ' way inconsistent with our constitution; for in
 ' criminal cases of the highest nature, in cases of fe-
 ' lony, the prisoner is not admitted to be heard by
 ' counsel, unless upon the trial some point of law
 ' arises, and then he is to be heard by counsel as to
 ' that point only; and even in cases of high treason
 ' our constitution was the same, till it was altered
 ' by a late statute; for where the law is plain, there
 ' is certainly no occasion for counsel in any case,
 ' either before Parliament or any inferior court of
 ' judicature; and as to facts, they ought to be re-
 ' lated and explained so as to make the truth ap-
 ' pear, by the depositions of honest and sincere
 ' witnesses, and not by the glosses that may be put
 ' upon them by ingenious and artful pleaders.

‘ Therefore, Sir, by the antient form of our
‘ constitution, and by what I think, for the sake
‘ of dispatch, ought to be observed as a rule in our
‘ proceedings, we have no present occasion to or-
‘ der the petitioners to be heard by their coun-
‘ sel. Nay, they themselves seem to be conscious
‘ that it ought not to be done; for they have
‘ not so much as petitioned to be heard by them-
‘ selves or counsel, they have petitioned only in
‘ general to be heard. As I have said, if in the
‘ course of the examination any difficult point of
‘ law should arise, we may then give them leave
‘ to be heard by counsel, as to that point: But
‘ I am convinced no such point will arise: I be-
‘ lieve no difficult point of law can arise, relating
‘ to any private right or property, that can be
‘ affected by this convention; and if any ques-
‘ tion should arise relating to matters of publick
‘ right, or the meaning of words in this or any
‘ other treaty, we have the good fortune to have
‘ several gentlemen amongst us, that can speak
‘ to it as fully, and as learnedly, as any counsel
‘ the petitioners can employ; and as an addition
‘ to our good fortune in this respect, I believe,
‘ those gentlemen will not be all of one side: I
‘ even hope they will be of different opinions,
‘ in order that we may hear the point as fully
‘ argued in that case, as we usually do in other
‘ cases of the same nature. Then, as to mana-
‘ ging or summing up the evidence, we have the
‘ same good fortune. We have gentlemen amongst
‘ us, that are as capable of putting proper questions
‘ to the witnesses, during the examination, and
‘ summing up the evidence after the examination
‘ is finish’d, as any lawyer that ever appeared at
‘ our bar; and as some of those gentlemen may
‘ probably be of the same opinion with the pe-
‘ titioners, and some of a contrary opinion, we
‘ may expect to have the examination well ma-
‘ naged,

‘ naged, and the evidence fully summed up on
‘ both sides.

‘ I am surprized, Sir, any gentleman can ima-
‘ gine, that less of our time will be taken up in
‘ hearing the petitioners both by themselves and
‘ their counsel, than in hearing them by them-
‘ selves only; for this is really the case. If you
‘ order them to be heard by themselves or counsel,
‘ ’tis certain, I think, they will chuse to have coun-
‘ sel, not because it is necessary, but because, after
‘ the counsel have opened the subject-matter of
‘ their complaint, such of them as can say any
‘ thing upon the subject, will be called as witnesses,
‘ and may, in that shape, say as much, and take
‘ up as much of your time, as if they were to be
‘ heard by themselves only. By this means, they
‘ will have the advantage of having their case twice
‘ laid before you, and in a two-fold manner, first
‘ by their counsel, and then by themselves; and
‘ therefore, I think, it is certain, they will chuse
‘ to be heard by their counsel, in case you give
‘ them leave.

‘ But there is another reason, Sir, why, I think,
‘ they will chuse to be heard by their counsel,
‘ which, in my opinion, ought to be a strong rea-
‘ son with us not to hear them by counsel. ’Tis
‘ certain we have not obtained so much by this
‘ convention as some sanguine people might ex-
‘ pect: ’Tis certain we never did obtain so much
‘ by any treaty we have made, nor ever shall by
‘ any treaty we can make. Wise men will always
‘ give up something of what they may have reason
‘ to expect, rather than risk the whole upon the
‘ doubtful event of a war; and what they do give
‘ up, will always be in proportion to the chance
‘ that is against you. To set this chance in its
‘ proper light, the power of your enemies and
‘ your own weakness must be truly represented,
‘ without magnifying either the one or the other;
‘ but

‘ but as it is, and always will be, unpopular to talk
‘ of the strength of your enemies, or of your own
‘ weakness, therefore the popular side of the ques-
‘ tion will always be against any treaty or conven-
‘ tion you can make; and as there is always the
‘ greatest scope for eloquence upon the popular side
‘ of any question, the petitioners will certainly
‘ chuse to have as much eloquence upon their side
‘ as possible, and for that purpose will chuse to
‘ have counsel, if we give them the liberty: But
‘ with us this ought to be a reason for not admit-
‘ ting them to be heard by their counsel; because
‘ we are to consider, not what is most popular,
‘ but what appears, from the present circumstances
‘ of things, to be most for the publick good. As
‘ this is certainly the duty of every member of this
‘ house, I do not believe that any gentleman, who
‘ has the honour of being a member, will allow
‘ himself to be influenced by the eloquence either
‘ of the petitioners or their counsel; and therefore,
‘ if there were none here present but members, I
‘ believe, neither side would attempt to take up
‘ our time with their eloquence; but as there is
‘ upon all occasions a great number of persons pre-
‘ sent, besides those that have a right to be here,
‘ I am afraid, if we admit counsel, they will con-
‘ sider rather what they may say to the audience,
‘ than what they ought to say to the judges; and
‘ that consequently a great part of our time will be
‘ unnecessarily taken up, in hearing florid harangues
‘ upon the riches and strength of the nation, upon
‘ the courage of our people, and upon our warlike
‘ exploits in former ages.

‘ I hope I have now shewn, Sir, that it does
‘ not yet appear to us, that it will be any way ne-
‘ cessary for us to hear counsel upon any thing re-
‘ lating to the convention; and that our hearing
‘ the petitioners by themselves and counsel, which,
‘ I have shewn, will be the case, if we order them

‘ to be heard by themselves or counsel, must necessarily take up a great deal more of our time, than if we hear them by themselves only; therefore, I hope I shall be excused, if I give my vote for the amendment proposed.’

The last speech we shall give upon this subject, was that made by *Samuel Sandys*, Esq; which was to this effect, *viz.*

Mr. Sandys's
speech.

‘ Mr. Speaker,

‘ Sir, The gentlemen who have spoke upon this occasion, against admitting the petitioners to be heard by counsel, put me in mind of the old fabulous story of *Proteus*. When they find themselves like to be overcome in one shape, they turn themselves to another. In the former part of this debate they told us, counsel were never to be heard, but in cases where the rights or properties of private men were like to be affected, by what was to come under the consideration of Parliament. In answer to this, it was, I think, demonstrated, that the right and property of private men must be greatly affected by this convention, especially if it should unhappily meet with the approbation of Parliament. This they could not deny, and therefore they have now turned themselves into another shape, by saying, that counsel are not to be heard, even where the property of private men may be affected, unless some nice point of law arises, during the course of the examination, relating to that private property. This they say ought to be the rule in all our proceedings. They do not say it is, or that it ever was a rule. They could not say so; for every one knows, that it is contrary to the whole tenor of our proceedings, as far back as we can trace our journals. It would be ridiculous to attempt to shew it to be so by precedents: They
‘ are

‘ are so numerous that they may be said to be
‘ numberless. But what is still more extraordi-
‘ nary, they have endeavoured to shew, that
‘ this ought to be a rule, by mentioning some old
‘ customs, which, because of the inconvenience
‘ or injustice of them, have been abrogated.

‘ In antient times, Sir, it was perhaps a rule,
‘ that no man should be allowed to sue or defend
‘ by his attorney, without the King’s licence ;
‘ and this could be attended with but little incon-
‘ venience to the subject, whilst almost all causes
‘ were heard and determined in the county where
‘ the parties resided: But as soon as the King’s
‘ courts began to be fixed at *Westminster*, it be-
‘ came necessary to allow every man to sue or de-
‘ fend by his attorney ; for which reason the
‘ King’s licence became a writ of course, and at
‘ last, as being a needless expence to the suitors,
‘ was intirely laid aside ; so that for some hun-
‘ dreds of years past, parties in all civil causes
‘ have been constantly allowed, without any war-
‘ rant by the King’s writ or letters patents, to
‘ appear by attorney, and to have their cause
‘ pleaded by counsel ; which, without doubt,
‘ makes law-suits more frequent than they would
‘ otherwise be ; for if parties were now obliged to
‘ attend a tedious law-suit, and neglect all their
‘ other business, no man would either prosecute
‘ or defend his right, unless it were of a very
‘ great value.

‘ Then, Sir, as to criminal causes, I know that
‘ those who were accused of treason or felony,
‘ were not of old allowed counsel, unless some
‘ difficult point of law happened to be started
‘ upon the trial ; because, as our lawyers say, the
‘ judges are to be of counsel for the prisoner.
‘ But every man will, I believe, grant, that this
‘ was a severity, introduced in favour of the
‘ crown, not very favourable for the subject.

‘ Our volumes of state trials will make it appear,
 ‘ how seldom the judges have acted the part of
 ‘ being counsel for the prisoner. They often ap-
 ‘ pear rather to have acted the part of being
 ‘ counsel against him, and have treated a man as
 ‘ a traitor before he was condemned, either by
 ‘ God or his country. Thank God! with regard
 ‘ to treason, we have got free of being obliged
 ‘ to have none other but such counsel: We have
 ‘ got this ridiculous custom altered by means of
 ‘ the revolution, which has in some measure re-
 ‘ stored our original constitution, though not so
 ‘ fully as it ought to have done; for a revolution
 ‘ introduced and established upon the principles of
 ‘ liberty, ought to have rooted out every stem of
 ‘ arbitrary power, whereas, in some cases, it may
 ‘ rather be said to have planted them; which
 ‘ shews the weakness of human foresight, and
 ‘ how necessary it is for the patrons of liberty to
 ‘ be always upon their guard.

‘ With respect to felonies, it is true, Sir, the
 ‘ antient custom still remains; but I am surprized
 ‘ it has not in this case likewise been altered by
 ‘ statute. It is better twenty guilty escape than
 ‘ one innocent suffer; and, I am convinced, this
 ‘ custom has been the occasion of many an inno-
 ‘ cent man’s being condemned, who, if he had
 ‘ been allowed counsel, would have made his in-
 ‘ nocence bright as the sun-shine. It is impossible
 ‘ for an ignorant man to tell when a point of law
 ‘ arises. The more innocent he is, the more ig-
 ‘ norant we may suppose him: Those that are
 ‘ never guilty of any crime, are seldom at the
 ‘ pains to study the criminal laws of the kingdom,
 ‘ or the methods of trial in such cases; and
 ‘ therefore the more unfit are they, of them-
 ‘ selves, to conduct the examination of witnesses,
 ‘ or to take notice, and make the proper advan-
 ‘ tage of any point of law that may arise in the
 ‘ course

‘ course of the examination. They must depend
‘ entirely upon their judges, and the judges may,
‘ in the case of felonies, behave as they have
‘ heretofore done in the case of treason: They
‘ may brow-beat the prisoner, and thereby pre-
‘ vent his taking notice of, or insisting upon those
‘ points of law, which he may have good reason
‘ to insist on.

‘ But, Sir, whether this custom of allowing
‘ persons accused of treason or felony to have
‘ counsel, be a laudable custom or not, it is
‘ a custom that has ever been observed by Par-
‘ liament. Was there ever a person accused in
‘ Parliament of any crime or misdemeanor, that
‘ was not allowed counsel, if he desired it? In
‘ bills of pains and penalties, are not those against
‘ whom the bill is designed, always allowed to be
‘ heard by their counsel against the bill? In im-
‘ peachments in the other house, the person im-
‘ peached, though for high treason, has always
‘ been allowed counsel, even when the custom
‘ prevailed of not allowing counsel to persons that
‘ were to be tried for such crimes in inferior
‘ courts. It is therefore wrong to draw argu-
‘ ments from what is now, or ever was, the
‘ practice of inferior courts, for shewing what is
‘ or ought to be the practice of Parliament. But
‘ of all things I am surprized to hear such an ar-
‘ gument made use of by those, who are against
‘ admitting the petitioners to be heard by their
‘ counsel against the convention. Surely, the
‘ gentlemen who make use of this argument, do
‘ not look upon the petitioners as criminals.
‘ They can be look’d on as such by none but
‘ those who look upon every man as a criminal
‘ that dares to oppose, or find fault with any
‘ thing that is done, or proposed to be done by
‘ the minister. Sir, if there be any criminals in
‘ the present case, it is they who have negotiated
‘ and

‘ and approved of a treaty, which the petitioners
 ‘ judge, which the whole nation judges, to be
 ‘ one of the most dishonourable and disadvantageous
 ‘ treaties that was ever made. They are
 ‘ the criminals, if there be any, in the case now
 ‘ before us; and the petitioners are the prosecutors.
 ‘ Therefore, if we follow the custom of
 ‘ inferior courts with regard to treasons and felonies,
 ‘ the petitioners ought to be allowed counsel,
 ‘ but our treaty-makers none.

‘ However, Sir, as this custom was never yet
 ‘ introduced into Parliament: As we have always
 ‘ allowed counsel to those, that have been brought
 ‘ before us for any crime or misdemeanor, I shall
 ‘ be for allowing even our treaty-makers to be
 ‘ heard by themselves or counsel, if they have a
 ‘ mind to desire it; and if, upon their treaty’s
 ‘ being censured by Parliament, which I hope
 ‘ it will, they should be prosecuted either by a
 ‘ bill of pains and penalties, or by any other parliamentary
 ‘ method of prosecution, I should be
 ‘ for allowing them more favour than some of
 ‘ their friends seem willing to allow to the petitioners:
 ‘ I should be for allowing them to be
 ‘ heard by their counsel against any such bill or
 ‘ prosecution.

‘ It is a little extraordinary to say, we must
 ‘ not allow the petitioners to be heard by counsel,
 ‘ because they have not expressly petitioned for it.
 ‘ Sir, they have petitioned to be heard, but they
 ‘ have been so modest as to leave it entirely to us
 ‘ to appoint which way they shall be heard.
 ‘ Their modesty shews their respect for this house,
 ‘ and shall we make people suffer for shewing
 ‘ us a decent respect? If we should ever do so,
 ‘ I should think we would deserve to meet with
 ‘ none, upon any future application; and, now
 ‘ it has been moved to order them to be heard by
 ‘ themselves or counsel, if we should refuse to
 ‘ give

‘ give them the liberty of being heard by their
‘ counsel, I am afraid, it will be look’d on, by
‘ people without doors, as a preliminary step to-
‘ wards our approving of this preliminary treaty,
‘ which the whole nation disapproves of, and
‘ consequently will very much tend towards di-
‘ minishing that respect, which the people of this
‘ nation have always hitherto had for their Parlia-
‘ ments. They will despair of ever meeting with
‘ any relief from Parliament, and as soon as this
‘ despair becomes general, they will begin to
‘ think of other methods for obtaining relief,
‘ which may be attended with the most dreadful
‘ consequences; consequences that may be fatal
‘ to our religion and liberties, but consequences
‘ that may, much more probably, be fatal to the
‘ Royal Family now upon the throne.

‘ I shall readily grant, Sir, that wise men will
‘ give up something of what they may reasonably
‘ demand, rather than risk the whole upon the
‘ doubtful event of a war, especially when the
‘ chance of war seems to be against them. But
‘ whatever the precepts of Christianity may incul-
‘ cate, I am sure the precepts of wisdom, espe-
‘ cially in political affairs, can never direct, that,
‘ if an enemy takes our cloak, we should give
‘ him our coat also, or that, if he gives us a box
‘ on one ear, we should hold up to him the
‘ other; which seems to be our case with regard
‘ to *Spain*. They have taken from us our cloak,
‘ and by this convention, we seem willing to give
‘ them our coat also: They have given us a most
‘ hearty blow, I may say several blows, on one
‘ ear, and by this convention, we seem to hold
‘ up to them the other. They let a captain of
‘ one of our merchant-ships escape, some years
‘ since, with the loss of but one ear; but, if a
‘ *British* Parliament approves of this convention,
‘ every *British* subject, that shall hereafter have
‘ the

‘ the misfortune of falling into their hands, must
 ‘ expect to lose both.

‘ I shall likewise grant, Sir, that in order to
 ‘ determine whether the chance of war be for us
 ‘ or against us, the power of our enemies and
 ‘ our own weakness must be considered, and that,
 ‘ in order to judge whether we ought to have ac-
 ‘ cepted of this convention, we ought to view
 ‘ both in their proper and true light; but, if
 ‘ *Spain* is to be assisted by none of the other
 ‘ powers of *Europe*, I am sure, neither their
 ‘ power nor our weakness can be urged for giving
 ‘ up any thing we have a just pretence to. I am
 ‘ sure, *Spain* is not now near so powerful as it
 ‘ was in the days of Queen *Elizabeth*, and con-
 ‘ sidering the union of the two kingdoms of
 ‘ *England* and *Scotland*, and the great improve-
 ‘ ments we have made in our trade and planta-
 ‘ tions, since that Queen’s reign, though we have
 ‘ been upon the decline for some years past, yet
 ‘ I must think, we are now more powerful than
 ‘ we were at that time; and yet, that wise Queen
 ‘ was so far from bearing tamely any injury that
 ‘ was offered by the *Spaniards*, that she always
 ‘ pursued them with immediate vengeance, and
 ‘ provoked them to battle in every corner of the
 ‘ world. Therefore, if *Spain* is not to be assisted
 ‘ by any of the other powers of *Europe*, we
 ‘ could be under no necessity to accept of this
 ‘ convention; and if the *Spaniards* are to be sup-
 ‘ ported by *France*, in the unjust claims they have
 ‘ set up against us, and the piracies and cruelties
 ‘ they have committed upon our merchants and
 ‘ seamen, I must say, we have shewn a great
 ‘ deal of complaisance to that kingdom, for al-
 ‘ most these twenty years past, to very little
 ‘ purpose.

‘ But these things, Sir, the counsel that are to
 ‘ be heard for the petitioners can have nothing to

do with. They are only to shew us what we have given up, or what we may be supposed to have given up, by this treaty, and the consequences of the concessions we have made, or are like to make, with regard to the nation in general, and with regard to the rights and properties of the petitioners in particular. It is we in this house, and we only, that are to consider, whether we are in such circumstances as to render it necessary for us to make such concessions. The counsel have nothing to do with, nor can they be supposed to know, any thing either of the circumstances of this nation, or of the circumstances of our enemies; therefore we cannot expect to hear from them any florid harangues either upon our own strength or courage, or upon the weakness and cowardice of our enemies; and consequently we need not be afraid of having our time taken up with hearing any eloquent addresses made by them to the galleries. But after they have finished and are withdrawn, I shall expect to hear from some gentlemen in this house, as florid harangues as they are capable of making, upon the utility and wisdom of peaceable measures, which, in a trading nation, is certainly a more popular subject, and consequently a subject which affords a greater scope for eloquence, than the subject of war can afford to any orator in the kingdom. The love of peace and peaceable measures will always be a popular subject among a rich and industrious people, as long as there is nothing done for the sake of peace, that is either dishonourable or disadvantageous to the nation. But when this happens to be the case, I shall admit that war then becomes the popular subject, which, I am afraid, indeed, is too much our case at present.

Sir,

‘ Sir, it seems now, as I have said, to be allowed, even by the gentlemen who have spoke upon the other side of the question, that the rights and properties of private men may be greatly affected by this convention; but, say these gentlemen, shall we allow every man to be heard by his counsel, that may think himself aggrieved by any regulation proposed in Parliament for the publick good? I shall grant, Sir, that the publick interest is to be preferred to the interest of any private man; but I hope it will be likewise granted, that if any particular private man, or set of private men, is to suffer a real loss by what is to be done for the publick good, the publick ought to make him all possible atonement; and therefore if any set of private men think that they in particular will be aggrieved by what is proposed for the publick good, and we see cause to believe that it may be so, we generally ought not only to receive their petition, but to allow them to be heard by their counsel; and that, even although there be no likelihood that any difficult question in law, relating to their property, can arise upon our examination into the affair. For if a private man must suffer for the sake of the publick, we ought to give him an opportunity of making the amount of what he is like to suffer appear as clearly as possible, in order that we may provide a remedy, or make him an adequate satisfaction.

‘ However, Sir, as the gentlemen of the other side have allowed, that, in cases where difficult points of law relating to the rights of private men may probably arise, the petitioners ought to be allowed counsel, I think this alone is sufficient for convincing us, that, in the present case, the petitioners ought to be admitted to be heard by themselves or counsel. For, I think, it is evident, that a

‘ very

‘ very nice point of law must arise, when we come
‘ to take the convention into consideration. We
‘ must then enquire into the import and meaning
‘ of those words in the convention, by which we
‘ submit all the claims set up by *Spain* to be regulated by commissaries. I hope these words do
‘ not import an admission of any of their claims;
‘ but I am far from being clear as to this point;
‘ and I am sure it is a point in which the property
‘ of every one of our planters in the *West-Indies*,
‘ especially *Jamaica*, is deeply concerned. I could
‘ mention several other nice points that will probably arise in the course of our examination; but
‘ this I take to be sufficient for shewing the necessity of admitting the petitioners to be heard by
‘ counsel, even according to the maxims laid down
‘ by those that argue against it.

‘ Now, Sir, as to our time, I must confess that
‘ an honourable gentleman has fallen upon a very
‘ ingenious method for persuading us, that more
‘ of our time will be taken up in hearing the petitioners by their counsel, than by themselves only.
‘ He has told us, that, if we order them to be
‘ heard by themselves or counsel, it will in effect
‘ be, to hear them both by themselves and counsel;
‘ because, says he, we shall first hear their case
‘ stated by their counsel, and then we shall hear it
‘ stated again by them, when they come to be
‘ examined as witnesses. I wish the honourable
‘ gentleman had considered, for surely he knows,
‘ what is the business of counsel, and what is the
‘ business of witnesses upon such occasions. It is
‘ the business of counsel to state the case, before
‘ the examination of witnesses begins, and to sum
‘ up the evidence after it is over; both which they
‘ are to do in as clear and as short a manner as
‘ they can; and it is likewise their business to take
‘ care, that every witness shall give an account of
‘ all the material facts he knows, in as plain and
‘ clear

‘ clear terms as possible. Then it is the business
‘ of every witness to give a true and sincere ac-
‘ count of all he knows, relating to the affair upon
‘ which he is examined, and to give plain answers
‘ to such questions as shall be put to him. This
‘ is their respective duties, and it is the business of
‘ the judge to keep them to their duty; therefore,
‘ after the petitioners case has been stated by their
‘ counsel, none of them can, and, I believe, none
‘ of them will presume to state it over again, when
‘ they come to be examined as witnesses: If any
‘ one of them should, any member may rise up,
‘ and by giving him a proper check, confine him
‘ to his duty. But if we do not admit the peti-
‘ tioners to be heard by counsel, what must be the
‘ consequence? Some of themselves must supply
‘ the place of counsel. Some of them, by the
‘ appointment of the rest, must state the case at
‘ the beginning of the examination, and some of
‘ them must sum up the evidence after the exami-
‘ nation is over; and those very petitioners, who
‘ are appointed to state the case, or sum up the
‘ evidence, may, nay probably must, be examined,
‘ as witnesses, for proving some of the facts that
‘ may not perhaps be known to any of the other
‘ witnesses; for otherwise, you would lay the pe-
‘ tioners under a very great disadvantage, because
‘ the best speakers among them may be the best
‘ witnesses, and if you should refuse to hear them
‘ in a double capacity, the petitioners must be de-
‘ prived of having their case stated by the best,
‘ perhaps the only, spokesmen among them, or of
‘ having their best witnesses admitted to be exami-
‘ ned. Therefore, in this way, as well as the o-
‘ ther, they will have an opportunity, if they
‘ should think proper, and you should allow them,
‘ to lay their case twice before you, first as peti-
‘ tioners, and next as witnesses. But the difference
‘ between the two methods of hearing them is,
‘ that,

‘ that, if you hear them by themselves only, as
‘ they are not accustomed to such things, and may
‘ be more sanguine than they ought to be, as most
‘ people are in their own cause, they will, proba-
‘ bly, be more tedious, both in stating their case,
‘ and summing up their evidence, than counsel
‘ would be; and even when they are examined as
‘ witnesses, their fear of forgetting any thing ma-
‘ terial, will make them more apt to fall into repe-
‘ titions and tautologies, than they would be, had
‘ they counsel at the bar to direct them, and to
‘ put them in mind of any material fact which
‘ they knew, and had forgot to give an account
‘ of. From whence, we must conclude, that more
‘ of our time will be unnecessarily taken up in
‘ hearing the petitioners by themselves only, than
‘ in hearing them by their counsel.

‘ I have as good an opinion in general of the
‘ talents and qualifications of those, who have the
‘ honour to be members of this house, as any man
‘ can have: I have a very great opinion of the a-
‘ bilities of some amongst us; but, Sir, as we are
‘ judges, we cannot be counsel in any affair that
‘ comes before this house; unless we take up that
‘ office, which, the lawyers say, is the duty of
‘ those who are the judges of our inferior courts,
‘ I mean that of being counsel for those that are
‘ accused of any crime or misdemeanour. If we
‘ consider ourselves in this light, we must be of
‘ counsel against the petitioners, we must be of
‘ counsel for those who, the petitioners say, have
‘ brought their country into a most dishonourable
‘ and disadvantageous treaty; and in this light,
‘ surely, we must allow the petitioners to have
‘ counsel, as other prosecutors have; because we
‘ are all to be of counsel, rather against them than
‘ for them. But suppose it were otherwise, since
‘ no gentleman can be supposed to be so well ac-
‘ quainted with the laws, as those who are in daily

‘ practice, therefore, I think, it will be extremely
 ‘ proper, if not absolutely necessary for us, to hear
 ‘ counsel upon the point I have mentioned, and
 ‘ upon several other points of law, that may pro-
 ‘ bably arise in the course of the examination; and
 ‘ as I think a great deal less of our time will be
 ‘ taken up in hearing the petitioners by their coun-
 ‘ sel, than in hearing them by themselves, I shall
 ‘ be for ordering them to be heard by themselves,
 ‘ or counsel, and consequently I must be against
 ‘ the amendment proposed.’

Upon a division the question was carried for the amendment 227 to 208; and the same question being renewed upon a petition from the society of merchant adventurers within the city of *Bristol*, against the convention, it was carried against hearing them by counsel 175 to 162; so that in both houses the petitioners were admitted to be heard by themselves only.

Convention
 taken into
 consideration
 in the house
 of Lords.

The house of Lords having heard the merchants upon their petition against the convention, and having examined several witnesses, they appointed the first day of *March* for taking farther into their consideration the convention between *Great Britain* and *Spain*, and the house to be summoned.

Accordingly, as soon as the order of the day was read, the Earl of *Cholmondeley* stood up, and spoke as follows:

‘ My Lords,

Earl of *Cholmondeley*’s
 speech and
 motion upon
 this occasion.

‘ We are now met in order to approve or dis-
 ‘ approve of a measure that has made a very great
 ‘ noise in the world, and is of the utmost conse-
 ‘ quence to the honour and interest of this nation.
 ‘ As your Lordships have, with great patience and
 ‘ candor, heard the petitioners against the conven-
 ‘ tion, your Lordships cannot miss now of being
 ‘ thoroughly informed of every possible objection

‘ to

' to it. For my own part, my Lords, I have gi-
 ' ven all the attention that I was capable of giving
 ' in this affair: I have endeavoured, as much as
 ' possibly I could, to be quite unbiass'd; and, I
 ' flatter myself, the judgment I have form'd of
 ' this measure, is the result of an impartial inquiry
 ' into its merits. I don't know whether I shall be
 ' so fortunate as to have your Lordships of the
 ' same opinion with me; but I hope your Lord-
 ' ships will indulge me a little, while I give my
 ' reasons for a motion that I shall take the liberty
 ' to make.

' Whoever, my Lords, considers the mutual
 ' interests of *Great Britain* and *Spain*, will easily
 ' allow that these interests are best consulted by
 ' cultivating a strict peace and harmony with one
 ' another. *Great Britain*, whose welfare depends
 ' upon a trade, in which she has now many rivals,
 ' reaps great advantages from a free and uninter-
 ' rupted commerce with *Spain*. And, on the o-
 ' ther hand, the necessity that *Spain* is under to
 ' cultivate a good understanding with *Great Bri-*
 ' *tain* is so evident, that it is become even prover-
 ' bial amongst them. The advantages of a good
 ' understanding being thus mutual, it is to be pre-
 ' sumed that the ministers of both crowns will be
 ' equally desirous, equally sincere in removing all
 ' impediments to so desirable an end. At the same
 ' time, my Lords, the great intercourse betwixt
 ' the subjects of the two nations, the neighbour-
 ' hood of their possessions, and, give me leave to
 ' add, the different genius of the two people, ren-
 ' der these impediments pretty frequent; and they
 ' are of such a nature as not to be surmounted but
 ' by each party wisely yielding a little to the other.
 ' As *their* possessions in *America* is the source of
 ' their wealth, and as the trade which *we* carry on
 ' with our settlements there is the most valuable
 ' branch of our commerce, the preservation of that

' trade, and these possessions, free and entire, is
 ' what each nation is presumed principally to have
 ' in view. But as these possessions and settlements
 ' lie at such a vast distance from each nation, there
 ' is no wonder if it is often very difficult for the
 ' government in *Europe* to form a right judgment
 ' of the facts that create differences betwixt the
 ' two crowns; the officers of both representing
 ' matters to their own court in such colours as
 ' may best excuse their own conduct, or promote
 ' their interest. So that, though each crown had
 ' the best dispositions in the world to do justice to
 ' the subjects of the other, it is many times next
 ' to impossible for either to form a true judgment
 ' of matters so soon as the impatience of the par-
 ' ties requires.

' I am apt to believe, my Lords, that the dif-
 ' ferences, which have so long subsisted between
 ' the courts of *Great Britain* and *Spain*, are rather
 ' owing to these causes, than to any claim of so-
 ' vereignty on the *American* seas, or to any exclu-
 ' sive right of navigation the *Spaniards* pretend to
 ' on these seas. The first, my Lords, has never
 ' yet been owned by the court of *Spain*; and, in-
 ' deed, it is too ridiculous a claim for any people,
 ' not absolutely void of common sense, to insist on.
 ' The other claim, I think, is given up by the
 ' convention. The preamble, my Lords, of that
 ' treaty says, That *whereas differences have arisen*
 ' *between the courts of Great Britain and Spain, on*
 ' *account of visiting, searching, and taking of vessels,*
 ' *the seizing of effects, the regulation of limits, and*
 ' *other grievances alledged on each side,* (for, my
 ' Lords, the *Spaniards* have their grievances as well
 ' as we;) *therefore his Britannick Majesty, and his*
 ' *Catholick Majesty, having nothing so much at heart*
 ' *as to preserve and corroborate the good correspondence*
 ' *which has so long subsisted, have granted full*
 ' *powers to their plenipotentiaries to conclude this*
 ' convention.

‘ *convention.* This preamble, my Lords, shews a
 ‘ sincere intention, in each of the contracting pow-
 ‘ ers, to yield to the just demands of the other.
 ‘ We, on our side, have complained of the search-
 ‘ ing, visiting, and taking our ships, and the seiz-
 ‘ ing our effects. The *Spaniards*, on their side,
 ‘ complain that we have encroached upon their li-
 ‘ mits. Both crowns are sensible that, unless the
 ‘ causes of these complaints are removed, a rup-
 ‘ ture must follow.

‘ But, my Lords, as we have already suffered
 ‘ a great deal, as our trade has been put under
 ‘ great incumbrances, and the losses of our mer-
 ‘ chants have been considerable, it was but reason-
 ‘ able that our claims should have a retrospect.
 ‘ Accordingly we find, that the first article of the
 ‘ convention not only provides for the removing
 ‘ of all complaints for the future, but contains a
 ‘ general acknowledgment of our right to satisfac-
 ‘ tion for what is past.

‘ In that article, my Lords, we find, “ That the
 “ adjusting and regulating the pretensions for reci-
 “ procal reparations of the damages already suf-
 “ tained, and, above all, to find out means to
 “ prevent the like causes of complaint for the fu-
 “ ture, and to remove absolutely, and for ever,
 “ every thing which might give occasion thereto,
 “ is acknowledged to be the only means of esta-
 “ blishing, on a lasting foundation, the ancient
 “ friendship so desirable and necessary for the reci-
 “ procal interest of both nations, particularly with
 “ regard to commerce.” This, I am persuaded,
 ‘ your Lordships will agree to be the point, which
 ‘ our ministry ought to have had principally in
 ‘ view; and give me leave to say, my Lords, they
 ‘ were directed in this by your Lordships resolu-
 ‘ tions, which included satisfaction for past, and
 ‘ security against future injuries. Thus, my Lords,
 ‘ your Lordships and the ministry have proceeded

‘ on the same foundation, you have laboured to
 ‘ effect the same end.

‘ What remains now to be considered is, whe-
 ‘ ther the measures which the ministry have taken,
 ‘ whether the stipulations in this convention are
 ‘ the proper means of obtaining these great pur-
 ‘ poses. Whoever considers, my Lords, the va-
 ‘ riety of disputes and pretensions that have sub-
 ‘ sisted of late between our court and that of *Spain*,
 ‘ must readily allow that it is impossible to adjust
 ‘ them all at once. For this reason the administra-
 ‘ tion of *Great Britain* found itself under a neces-
 ‘ sity of delaying, for eight months, the conclu-
 ‘ sion of the definitive treaty, by which the respec-
 ‘ tive pretensions of the two crowns are to be fi-
 ‘ nally regulated. But his Majesty had so great a
 ‘ regard to the interest of his injured subjects, that
 ‘ he insisted upon, and obtained a definitive and
 ‘ express article for immediate reparation. I know,
 ‘ my Lords, it has been objected to this conven-
 ‘ tion, that the renunciation of all claims which
 ‘ the *Spaniards* have to stop or search our ships,
 ‘ ought to have been the first and the most express
 ‘ stipulation, for fear that in the ensuing definitive
 ‘ treaty sufficient care should not be taken of that
 ‘ point. But, my Lords, I cannot see the least
 ‘ foundation for this objection; the security of our
 ‘ navigation, even by this preliminary, is strongly
 ‘ provided for. We find, by the latter part of
 ‘ the first article, that the plenipotentiaries are far
 ‘ from being at liberty to act in this respect as they
 ‘ please: They are tied down to proceed according
 ‘ to the sense of all the treaties now subsisting be-
 ‘ twixt the two crowns. Your Lordships have
 ‘ found, that, by these treaties, the freedom of the
 ‘ navigation and commerce of the *British* subjects
 ‘ in the *American* seas is sufficiently established.
 ‘ Therefore, my Lords, if this is all that we want
 ‘ in a definitive treaty, as our plenipotentiaries are
 ‘ tied

' tied down by those former treaties, I should be
' glad to know where the force of this objection
' lies.

' The treaties which are referred to, my Lords,
' are no less than eight; and as each preceding
' treaty received a confirmation by the subsequent,
' so the definitive treaty, that is to be concluded in
' eight months from the date of this convention,
' must give a farther confirmation to every one of
' them. Our ministers therefore, my Lords, have
' acted in this measure no otherwise than the mi-
' nistry in all ages have acted, when the points in
' dispute could not be immediately settled by the
' precise words of the treaties already in force. In
' such case all that a minister can do, is to make
' another to explain them. They are to make ex-
' press provisions in that treaty for all those cases
' which occasion doubt or dispute, whereby the
' meaning and intention of the preceding treaties is
' farther ascertain'd.

' This, my Lords, is exactly the case betwixt
' *Spain* and *Great Britain*. We can make no trea-
' ty with that court, by which we can acquire any
' additional security for our navigation and com-
' merce, which we have not already stipulated to
' us, in effect, by preceding treaties. But we can
' make a treaty in which the stipulations shall be
' more comprehensive and express, so as to avoid
' all future disputes. As this is, and was, the on-
' ly view of our ministry in their late protracted
' negotiations, I do not see what greater satisfac-
' tion the nation can have, as to the definitive trea-
' ty that is to follow this convention, than the ex-
' pressly naming all former treaties, according to
' which all pretensions are to be finally regulated.

' Let us suppose, my Lords, that the *Spaniards*
' entertain some chimerical notions, which at pre-
' sent they don't think fit to divulge; and that
' they are from thence resolved to insist upon cer-

'tain stipulations in the definitive treaty, prejudi-
 'cial to our interests: I say, supposing this to be
 'their design, we have prevented both their per-
 'sisting therein, and our negotiators making any
 'concessions of that kind. They must, by this
 'article, have a retrospect to former treaties.
 'The tenour of these, is to be their rule. This
 'article, therefore, my Lords, is equal to a
 'formal renunciation of their claim to a right of
 'stopping, searching, and plundering our ships;
 'because, while they acknowledge the validity of
 'these treaties, they, in the strongest manner,
 'disavow all such pretensions: Nay, my Lords,
 'I think that, according to the circumstances be-
 'twixt us and *Spain*, it is a much stronger security
 'than we could have had from any renunciation,
 'because we treat with this advantage on our side,
 'that we have 155,000*l.* in hand, as an earnest
 'for their abiding by every stipulation.

'It may be here objected, that the *Spaniards*
 'very probably entertain a quite different notion
 'of the sense of these treaties; and that when
 'they agreed that the proceedings of the plenipo-
 'tentiaries should be according to them, they
 'imagin'd that the tenor of these treaties gave
 'them a right to search our vessels upon the *Ame-*
 '*rican* seas. This objection, I apprehend, may
 'be remov'd several ways: And first, my Lords,
 'their owning themselves indebted to our mer-
 'chants, is a full and a direct acknowledgment
 'that they acted against the meaning of treaties,
 'as often as they stopp'd and search'd our ships
 'upon these seas. This, my Lords, is self-
 'evident; for if they believe that these treaties
 'give them a right to search, how can we sup-
 'pose that they would consent to pay damages
 'for confiscating our ships, a natural consequence
 'of their search?

' Therefore,

‘ Therefore, my Lords, I do affirm, that the
 ‘ *Spaniards* could not have given us a stronger
 ‘ proof that they now understand these treaties in
 ‘ the very same sense with your Lordships, and
 ‘ with all *England*, than their paying damages for
 ‘ having pretended to understand them in a diffe-
 ‘ rent sense.

‘ But, my Lords, whether they understand
 ‘ these treaties in the same sense with us, or not,
 ‘ it will be no disadvantage to *Great Britain*.
 ‘ Suppose the plenipotentiaries on both sides are
 ‘ met, and enter upon this point: They differ
 ‘ about it: What is the consequence, my Lords?
 ‘ Why the conferences are broken up, and we do
 ‘ then the very same thing that we can do now;
 ‘ we declare war; but with this difference, that
 ‘ we shall then carry on the war with 95,000*l*.
 ‘ more in our pockets than we have at present;
 ‘ besides which, we may add a still greater ad-
 ‘ vantage, an uninterrupted prosecution of our
 ‘ commerce for six or eight months longer.
 ‘ There is still another answer to this objection,
 ‘ my Lords: The *Spanish* ministry are sufficiently
 ‘ apprized of the construction which *Great Bri-*
 ‘ *tain* puts upon these treaties: They see it by
 ‘ the resolutions of both houses of Parliament,
 ‘ and they see it in every memorial presented
 ‘ on that subject; so that unless they had been
 ‘ resolved to settle this point in the very manner
 ‘ in which we understand it, we cannot suppose
 ‘ that they would have agreed to the payment of
 ‘ the money, or put themselves to the trouble of
 ‘ appointing plenipotentiaries, and holding confe-
 ‘ rences to no purpose.

‘ They can’t flatter themselves that our pleni-
 ‘ potentiaries will dare to understand these treaties
 ‘ in any other sense than what both houses of
 ‘ Parliament have affix’d to them, or that our
 ‘ ministry will advise the ratification of any such
 ‘ unautho-

' unauthorized treaty. Upon the whole, my
 ' Lords, I will venture to say, that I have unan-
 ' swerably remov'd the grand objection against
 ' this convention, of its not being a definitive
 ' treaty, or a treaty which finally ascertains the
 ' commercial rights of this nation, and guards a-
 ' gainst their violation for the future. Thus, my
 ' Lords, I humbly hope I have made out my
 ' proposition, with regard to the reasonableness
 ' and advantages of this article, to your Lord-
 ' ships satisfaction.

' So great a concession being made on the part
 ' of the *Spaniards* (and I will venture to say,
 ' my Lords, that it is as great as ever was made
 ' by any people not absolutely reduc'd) it was
 ' proper to take the other subjects of mutual com-
 ' plaint betwixt the two nations under considera-
 ' tion. That of the greatest importance, next
 ' to the liberty of an unmolested navigation, re-
 ' lated to the limits of *Carolina* and *Florida*. The
 ' *Spaniards* contend, that, in our settlement of
 ' *Georgia*, we have made some encroachments
 ' upon their frontier. We deny it, therefore this
 ' affair is left, by the second article, to be settled
 ' by the plenipotentiaries. But, my Lords, this
 ' does not at all weaken the right we insist on to
 ' the province of *Georgia*. This right, as well
 ' as that to a free and uninterrupted navigation,
 ' is establish'd by the treaties (particularly the
 ' *American*) which are to regulate the proceedings
 ' of the plenipotentiaries. Our ministry, there-
 ' fore, have done wisely in thus referring that
 ' matter to a future discussion. Besides, my
 ' Lords, it is very possible that the *Spaniards*
 ' may have some just causes of complaint with
 ' regard to the boundaries of those provinces.
 ' However, it is reasonable, at least, to hear
 ' what they have to say upon this head; and, if
 ' their complaints are well grounded, to remove
 ' the

the cause of them. This, my Lords, is no more than doing as we would be done by. As to leaving the territories of both in the same state they are in at present, without raising or carrying on any additional fortifications, it is an article that we cannot justly complain of; for, besides the equity of the thing in itself, it is as much for our interest as for that of *Spain*, since they have no more liberty in this respect than we have. Besides, it is an usual stipulation in all treaties made for settling boundaries.

The next article, my Lords, relates to the satisfaction which our merchants are to have for their past losses, and is definitive. By this, my Lords, his Majesty has set a noble example to his successors, in providing immediately for the interest of his subjects, while the interests of his crown are referred to a future discussion. It is true, that the sum stipulated for their relief is not equal to their first demands, but no reasonable person will object to this, when he reflects that losses of this kind are commonly aggravated; and that it would have been imprudent, if not unjust, to have insisted upon the rigour of such demands, and thereby have defeated the whole. Accordingly our commissaries thought fit to reduce the original sum to 200,000*l*. When this was done, my Lords, there was still another difficulty. His Catholick Majesty's funds in *America*, from which this money was to be paid, are very uncertain, and the disbursements from them slow and precarious. His ministers insisted, that payment should be made either in the places where the confiscations happen'd, which must have been a vast inconveniency to the sufferers; or that they should accept of security for it on the *chamber of commerce* at *Seville*. This was still worse, by reason of the difficulties that attend such a payment, and the perquisites that must

' must be deducted for the several officers. Upon
 ' these accounts a further deduction of 45,000*l.*
 ' was allow'd for prompt payment, which is to
 ' to be made at *London*, within four months
 ' after the exchange of the ratifications. Now,
 ' my Lords, as we had made such deduc-
 ' tions, it was but reasonable that the *Spani-*
 ' *ards* should likewise on their parts recede from
 ' the rigour of their demands, which amounted
 ' to 180,000*l.* and were reduced to 60,000*l.*
 ' This abatement, in proportion to the sum, is
 ' considerably larger than that made on our part,
 ' and is a proof, both of the zeal of the ministry
 ' here for the interests of the nation, and of the
 ' willingness and sincerity of the *Spaniards* to ful-
 ' fil their engagements. This abatement was the
 ' more extraordinary, being made out of a debt
 ' that we had, by treaty, own'd to be due. The
 ' same article provides, that it shall not be pre-
 ' tended that these reciprocal discharges extend to
 ' the accounts and differences which subsist, or
 ' are to be settled between the crown of *Spain*
 ' and the *South-Sea* company. By this, my
 ' Lords, we see that all the accounts betwixt that
 ' crown and the aforesaid company are entirely
 ' distinct from those that are settled by the com-
 ' missaries appointed by the treaty of *Seville*, and
 ' that his Catholick Majesty has no manner of
 ' pretence for detaining a shilling of this 95,000*l.*
 ' on account of any debt that may be owing him
 ' by the *South-Sea* company. On the other hand,
 ' my Lords, by this article, care is taken that the
 ' *South-Sea* company shall be intitled to all the
 ' debts which they can claim of that crown, or
 ' its subjects.

' The fourth article, my Lords, relates to
 ' some ships, the value of which was included
 ' in an estimate made by the commissaries ap-
 ' pointed by the treaty of *Seville*, and which
 ' makes

‘ makes a part of the 155,000*l.* stipulated for the
‘ relief of our merchants. Nothing, therefore,
‘ could be more reasonable than, if, in conse-
‘ quence of the orders dispatched to the court of
‘ *Spain* for that purpose, the whole or any part
‘ of the payment for these ships has been made
‘ in *America*, such payment should be deducted
‘ out of the stipulated sum. Care is, notwith-
‘ standing, taken in the same article, that the
‘ payment of the 95,000*l.* shall not be, for that
‘ reason, in any manner delayed; so zealous, my
‘ Lords, was our ministry for obtaining an imme-
‘ diate relief for our suffering merchants; and so
‘ willing was the crown of *Spain* to grant it, that,
‘ by the latter part of the article, she entirely relies
‘ on the faith of the government here for refund-
‘ ing what shall appear to have been already
‘ paid.

‘ The next article, my Lords, provides that
‘ the ratifications of this convention shall be de-
‘ livered or exchanged at *London*, within the
‘ space of six weeks, at farthest, after they are
‘ signed. This, my Lords, is as short a time as
‘ could have been allowed for that purpose, and
‘ shews, that our ministry here were resolved that
‘ not a day should be lost in bringing this affair
‘ to a speedy issue.

‘ The first separate article, my Lords, is calcu-
‘ lated to remove the common objection of the
‘ tediousness of all negotiations with that court.
‘ By this article, the ministers plenipotentiary,
‘ who are to meet at *Madrid* within the space of
‘ six week, to be reckoned from the day of ex-
‘ changing the ratifications, are named on the
‘ part of *Spain* as well as of *England*; and, by
‘ the latter part of the said article, a very short
‘ term is appointed for the payment of the
‘ 95,000*l.* In fine, my Lords, to conclude this
‘ short view of the stipulations of the convention,
‘ the

' the ministry has had so just a regard to the inter-
 ' rest of the subjects, that an express provision is
 ' made for the restitution of a ship, the value of
 ' which is not comprehended in the estimate
 ' made by the commissaries; because, it seems,
 ' the circumstances of her capture were, on the
 ' part of *Spain*, more inexcusable than those of
 ' any of the other captures.

' From this impartial survey, my Lords, I
 ' hope it will appear to your Lordships, that his
 ' Majesty, in the whole course of this negotia-
 ' tion, has had nothing so much at heart as the
 ' interest of his subjects; and that the same has
 ' been faithfully and successfully prosecuted on
 ' the part of his ministry. This negotiation, my
 ' Lords, therefore, may be justly looked upon as
 ' the performance of those promises and assurances
 ' which the Parliament has received from the
 ' throne, as often as it has addressed it on this
 ' head. And as the prosperity of his Majesty's
 ' subjects, and the honour of his crown are inse-
 ' parable, a just regard in all the stipulations has
 ' been had to those important points. Care has
 ' been taken that all the concessions that are made
 ' in this treaty, have been made on the part of
 ' *Spain*. Therefore, my Lords, I hope on this
 ' occasion all contentions and animosities will cease
 ' amongst us, since his Majesty has now removed
 ' the causes which have so long and so unhappily
 ' divided us.

' This, my Lords, is the only means of
 ' making a just return to the regard which his
 ' Majesty has always expressed for your Lord-
 ' ships resolutions and advice, since every step of
 ' this negotiation has been conducted according to
 ' what appears to have been the sentiments of
 ' Parliament.

' Your Lordships, in all your deliberations
 ' upon this great and important affair, have ex-
 ' press'd

‘ press’d a just sense of the miseries which war
‘ entails upon a trading people; you have ex-
‘ pressed your desire of securing the blessings of
‘ peace, if they could be secured with the dignity
‘ and interest of this nation. This negotiation,
‘ my Lords, crowns the wishes of Parliament,
‘ by answering all these great ends; and it has
‘ been conducted in such a manner, as to con-
‘ vince those with whom we were treating, that
‘ his Majesty was as ready to do himself justice
‘ by arms, as he was willing to receive it by ne-
‘ gotiation. No sooner, my Lords, was this
‘ convention concluded, than his Majesty laid the
‘ treaty before this house. All that now remains
‘ is, for your Lordships to add strength and
‘ weight to his Majesty’s negotiations, by your
‘ approbation. Therefore, my Lords, I take the
‘ liberty to move, That an humble address should
‘ be presented to his Majesty, to return his Ma-
‘ jesty the thanks of this house for laying the
‘ convention between his Majesty and the King
‘ of *Spain*, dated the 14th day of *January* last,
‘ together with the separate articles, before this
‘ house: To declare that we think it our in-
‘ dispensable duty, on this occasion, to express
‘ our just sense of his Majesty’s royal care of the
‘ true interest of his people, and to acknowledge
‘ his great prudence, in bringing the demands of
‘ his subjects for their past losses, which had been
‘ so long depending, to a final adjustment by the
‘ said convention, and procuring an express stipu-
‘ lation for a speedy payment; and in laying a
‘ foundation for accomplishing the great and de-
‘ sirable ends of obtaining future security, and
‘ preserving the peace between the two nations:
‘ To beg leave also to declare to his Majesty, our
‘ confidence and reliance on his royal wisdom and
‘ steady attention to the honour of his crown,
‘ and the welfare of his kingdoms, and that in
‘ the

‘ the treaty to be concluded in pursuance of this
 ‘ convention, proper provisions would be made
 ‘ for redress of the grievances so justly complained
 ‘ of; and particularly, that the freedom of navigation in the *American* seas, to which his Majesty’s subjects are entitled by the law of nations, and by virtue of the treaties subsisting between the two crowns, would be so effectually secured, that they might enjoy, unmolested, their undoubted right of navigating, and carrying on trade and commerce from one part of his Majesty’s dominions to any other part thereof, without being liable to be stop’d, visited, or searched, on the open seas, or to any other violation or infraction of the said treaties; the mutual observance thereof, and a just regard to the privileges belonging to each other, being the only means of maintaining a good correspondence, and lasting friendship between the two nations: And to desire permission at the same time, in the most dutiful manner, to express our firm dependence, that in the treaty to be concluded in pursuance of the said convention, the utmost regard will be had to the rights belonging to his Majesty’s crown and subjects, in adjusting and settling the limits of his Majesty’s dominions in *America*; and to give his Majesty the strongest assurances, that in case his just expectations should not be answered, this house will heartily and zealously concur in all such measures as shall be necessary to vindicate his Majesty’s honour, and to preserve to his subjects the full enjoyment of all those rights, to which they are intitled by treaty, and the law of nations.’

The Lord *Carteret* spoke next to this effect:

‘ My Lords,

‘ I could have wished this affair had come under
 ‘ our deliberation in another shape. Since I have
 ‘ had

Lord Carteret’s speech.

' had the honour of sitting in this house, I never
 ' heard a more complicated question put to it:
 ' And, my Lords, it is a very unpleasant task to
 ' oppose a motion; when one cannot do it without
 ' opposing a measure that carries, or seems to car-
 ' ry, the marks of duty and gratitude to his Ma-
 ' jesty. But, I fear, the address proposed will be
 ' the most dangerous compliment this house ever
 ' made, the most fatal his Majesty ever received.
 ' Had the convention, my Lords, without any
 ' consideration of this kind, been the subject of
 ' debate, I should not have had the least difficulty
 ' in expressing my sentiments. But, as the present
 ' motion is upon an address to his Majesty, I own;
 ' that I am under some difficulty. However, my
 ' Lords, I will endeavour, in what I shall advance
 ' upon this subject, to preserve that entire respect
 ' I ever shall have for my Sovereign; and, at the
 ' same time, to deliver myself with freedom, in
 ' regard to the interests of my country, which
 ' shall always be first in my thoughts.

' The noble Lord, who made the motion, has
 ' endeavoured to demonstrate to your Lordships
 ' the great advantages arising to this nation from
 ' the convention; he has examined every article by
 ' itself, and finds it upon the whole to be a just
 ' and honourable treaty. My Lords, I shall take
 ' the freedom to examine in the same manner, and
 ' shall endeavour to shew your Lordships that it
 ' answers neither of the two great points the nation
 ' has in view, I mean, reparation for past and se-
 ' curity against future injuries. At the same time,
 ' my Lords, I shall keep in my eye the resolutions
 ' which your Lordships came to last session, which
 ' our ministers ought to have kept close to in all
 ' their subsequent negotiations with *Spain*.

' The noble Lord, towards the beginning of his
 ' speech, with great accuracy display'd the advan-
 ' tages accruing to *Great Britain* from a right un-
 ' derstanding

' derstanding with *Spain*; his Lordship has like-
 ' wise taken notice of the disadvantages which the
 ' great distance betwixt *Old* and *New Spain* puts
 ' that government under, by making it impossible
 ' for them to know the true state of the differences
 ' that frequently arise betwixt the subjects of the
 ' two crowns, so soon as the impatience of our mer-
 ' chants requires. This, my Lords, might be a very
 ' good argument in favour of the *Spaniards*, if the
 ' injuries we so justly complain of were but of yef-
 ' terday. But give me leave to say, my Lords,
 ' that they are of a very long standing. The *Spa-*
 ' *niards*, slow and phlegmatical as they are, had
 ' they been in the least disposed to do us justice,
 ' might have by this time made a thorough enquiry
 ' into the nature of these complaints, they might
 ' have been fully informed in every particular that
 ' either their own governours or the subjects of
 ' *England* had to alledge. They have had almost
 ' twenty years, my Lords, for this enquiry, and
 ' if their dispositions had been so just as the noble
 ' Lord seems to think they are, it is impossible but
 ' that during that time they must have found the
 ' means of giving us satisfaction. But, my Lords,
 ' it is plain, upon the principles they went, we ne-
 ' ver could have satisfaction. If a seizure of one
 ' of our ships was made, we applied to the court
 ' of *Spain* for redress, we laid our grievances be-
 ' fore their ministers, and they sent orders to *Ame-*
 ' *rica* to their governours to enquire into the facts.
 ' My Lords, I say, that was not the method by
 ' which we were to have reparation; as the noble
 ' Lord himself observed, it was the business of
 ' their governours to excuse their own conduct by
 ' throwing the blame upon us. Therefore, we
 ' can never suppose that they would admit them-
 ' selves in the wrong. So that, if the court of
 ' *Spain* was to form their judgment upon the re-
 ' presentation

‘ presentation of their governours, we were always
‘ sure to have it given against us.

‘ But, my Lords, though the *Spanish* gover-
‘ nours had really been disinterested, or any way
‘ disposed to do our merchants justice, yet as the
‘ facts were stated to them from the court of *Spain*,
‘ the case would have been the same. For let us
‘ suppose, my Lords, that one of our ships, in
‘ sailing from one part of his Majesty’s dominions
‘ to another, is surprized by the *Spaniards*, they
‘ find therein logwood, cocoa nuts, or *Spanish*
‘ coin, accordingly she is carried to a *Spanish* port,
‘ where these facts being proved, and finding that
‘ the ship was taken within what they ridiculously
‘ call their latitude, she is confiscated. What fol-
‘ lows? The owners apply to the court of *Spain*,
‘ their solicitations are backed by our minister there.
‘ Perhaps they obtain an order to the governour
‘ of the place where their ship was confiscated,
‘ commanding restitution, provided such and such
‘ facts shall not appear. But what are these facts,
‘ my Lords? They are facts that may happen to
‘ any *English* ship, navigating these seas, in the
‘ strictest manner prescribed by treaties. For it is
‘ evident, that our merchants may have cocoa-
‘ nuts and logwood in their ships, without being
‘ concerned in an illicit trade; they may have *Spa-
‘ nish* coin too, and yet not a man of the whole
‘ crew have been near their settlements. The
‘ wood and nuts are commodities growing in our
‘ own colonies; and the silver is current all over
‘ *America*. The *French* and the *Dutch* colonies
‘ have great plenty of it, and the *English* more.
‘ So that, if all our ships having these things on
‘ board are liable to confiscation, not one in twenty
‘ can be safe.

‘ As to our ships coming within a particular la-
‘ titude, this is still a more unjust ground of con-
‘ fiscation, if possible, than the other. You have

' heard it plainly proved, my Lords, at the bar
 ' of your house, that no master of a vessel navi-
 ' gating in those seas can know exactly what course
 ' he shall hold; be his caution ever so great, he
 ' may be forced to make the *Spanish* coasts; he
 ' may be forced to come within pistol-shot of their
 ' shore, let it be ever so distant from his intention
 ' to carry on any commerce there. For which
 ' reason, my Lords, if we once admit our sailing
 ' near their coasts to be a just cause of capture and
 ' confiscation, there must be an end of all our com-
 ' merce in *America*. But as our seamen are subject
 ' to such difficulties in their navigation on these
 ' seas, this claim of the *Spaniards* absolutely de-
 ' stroys the freedom of navigation. By the law
 ' of nations the high seas are open to all, and it is
 ' an act of piracy to search or rifle any ship navi-
 ' gating thereon.

' Thus, my Lords, according to this claim of
 ' *Spain*, an order for restitution, even in the most
 ' unjustifiable cases of confiscation, can be of no
 ' service to our sufferers, when clogged with pro-
 ' visoes which 'tis impossible for them to remove.
 ' But if the noble Lord will give an instance where-
 ' in that court orders restitution to be made of any
 ' ship, because taken upon the open seas; if he can
 ' shew us, that the *Spaniards* ever once acted, in
 ' confiscating an *English* ship, according to the fun-
 ' damental maxim of all our navigation in these
 ' seas, namely *No search but in port*; then I shall
 ' agree with his Lordship that it may be rather
 ' owing to certain accidental causes, that the diffe-
 ' rences betwixt our court and that of *Spain* have
 ' so long subsisted, than to any exclusive right
 ' which the *Spaniards* pretend to on these seas.

' The noble Lord, indeed, very rightly observ'd,
 ' that a great many circumstances concurred to cre-
 ' ate frequent differences betwixt the *British* and
 ' *Spanish* subjects in *America*; such as the contigu-
 ' ity

‘ ity of the dominions of the two crowns, and the
‘ different genius of the people; but, my Lords,
‘ there is no other way of removing these obstacles
‘ but by preventing all disputes about property,
‘ navigation and commerce, by strictly adhering to
‘ the maxim, *No search*. If we do not adhere to
‘ it, my Lords, if we admit of the claim of *Spain*,
‘ in the smallest degree, we must have eternal jars
‘ and differences with them, they will always find
‘ pretences to obstruct and ruin our commerce.

‘ Having spoken in general to this point, it may
‘ be now proper to take notice of what fell from
‘ the noble Lord, in the particular observations
‘ he made upon every article of this treaty. His
‘ Lordship remarked, that the *Spaniards* have
‘ shewn by the preamble a sincere desire to yield
‘ our just demands. My Lords, I can’t perceive
‘ wherein this sincerity consists. If they were so
‘ very sincere, why did they not give us an ample
‘ security for our navigation, in the terms contain’d
‘ in your Lordships first resolution upon this head,
‘ which you came to last session? We there see
‘ that our just and undoubted rights are founded
‘ on the express words of treaties. What necessity,
‘ therefore, of appointing plenipotentiaries to
‘ decide differences? I am sorry, my Lords, to see
‘ that word at all made use of upon this occasion;
‘ it implies a doubt, and that something might be
‘ said on one side as well as on t’other. This, my
‘ Lords, is a concession which we ought to be very
‘ cautious in making, or even seeming to make:
‘ If any differences were to be referred to a future
‘ discussion, it ought to have been those relating
‘ to the limits and boundaries of the two nations.
‘ This might have been decided by commissioners
‘ meeting on the spot, or by explaining the words
‘ of treaties relating thereto. But we ought not
‘ to have admitted our just and undoubted rights

‘ to navigation to be put on the same foot with a
 ‘ disputed boundary.

‘ The noble Lord lays a good deal of stress on
 ‘ the care of our ministry in procuring a definitive
 ‘ satisfaction for past losses. My Lords, if I could
 ‘ be sensible that they had effected even this point,
 ‘ I should be very willing to join with the noble
 ‘ Lord in his encomiums upon our administration.
 ‘ But, even by the noble Lord’s own account of
 ‘ it, it is but a very sorry satisfaction. The de-
 ‘ mands of our merchants amounted to 247,000*l.*
 ‘ they uncontrovertibly proved, not only before
 ‘ the commissaries in *Spain*, but at the bar of both
 ‘ houses of Parliament, that they were sufferers to
 ‘ that amount, and consequently that they had a
 ‘ right to that sum without any deduction. But
 ‘ a deduction is made of 47,000*l.* For what rea-
 ‘ son, my Lords? For none that ever I heard, but
 ‘ because the *Spaniards* would have it so. Not
 ‘ contented with this, 45,000*l.* more must be de-
 ‘ ducted for prompt payment. Prompt payment
 ‘ of what? Of a debt contracted by rapine and
 ‘ plunder. I have heard, indeed, when a debt
 ‘ was contracted by the mutual consent of the par-
 ‘ ties, and payable at a certain term, that one of
 ‘ the parties has made a deduction of a propor-
 ‘ tionate sum of the whole for prompt payment.
 ‘ But, my Lords, was this the case betwixt the
 ‘ *Spaniards* and us? Were we obliged to accept of
 ‘ payment in what manner, and at what term, his
 ‘ Catholick Majesty thought fit? Were our mer-
 ‘ chants reduced to such a pass for want of ready
 ‘ money, that they were glad to deduct near a
 ‘ fourth of their sum for prompt payment? But,
 ‘ my Lords, it can’t even be called prompt pay-
 ‘ ment; for we find, by the first separate article of
 ‘ the convention, that his Catholick Majesty is not
 ‘ obliged to pay it till four months after the ex-
 ‘ change of the ratifications. Now, my Lords, let
 ‘ me

‘ me suppose a case that is very possible: Your
‘ Lordships see, by the first article of the conven-
‘ tion, that the plenipotentiaries are to meet at *Ma-*
‘ *drid*, within forty days after the exchange of the
‘ ratifications. It is possible they may not agree,
‘ the conferences may be broke up the first sitting;
‘ then all negotiation is at an end, and the sword
‘ alone must decide it. Will the *Spanish* court,
‘ in this case, think itself obliged to pay that
‘ money? Does their behaviour in times past
‘ give us room to imagine that they will look
‘ upon this debt as binding upon them, when all
‘ other conditions betwixt them and us are broke
‘ through? So that, though the noble Lord has
‘ been pleased to represent this stipulation in fa-
‘ vour of our merchants as definitive, yet when
‘ we look into the whole of this transaction, it is,
‘ in reality, eventual, and depends on the issue of
‘ the future conferences.

‘ There are one or two circumstances more,
‘ that I must observe, with regard to the boasted
‘ satisfaction. I find that, though the sum al-
‘ lowed to our merchants is 155,000*l.* yet
‘ 95,000*l.* only is to come out of his Catholick
‘ Majesty’s pockets. How comes this? Says the
‘ noble Lord, we allow 60,000*l.* as a balance
‘ due to the *Spaniards*, in consideration of their
‘ losses sustained by the sea fight off *Passaro*,
‘ which we had engaged by treaty to make good
‘ to them. But in what manner were we to
‘ make them good? We agreed that they should
‘ have all the ships then taken restored to them,
‘ with the guns, sails, equipage, in the condition
‘ they were then in, or if sold, they were to
‘ have the price that was paid by the purchasers.
‘ Whose fault was it, my Lords, that this stipu-
‘ lation was not punctually fulfill’d? Was it not
‘ owing to the *Spaniards* themselves, who refused
‘ to accept of those ships when offered to them?

‘ And are we to pay 60,000*l.* for no other reason
 ‘ but because the *Spaniards* must be gratified in
 ‘ every extravagant demand?

‘ But, my Lords, this is not all; his Catholick
 ‘ Majesty tells us farther, that before he fulfils
 ‘ one article of this convention, our *South-Sea*
 ‘ company must pay to him 68,000*l.* more;
 ‘ which is the same thing as telling us, that, in
 ‘ effect, no more than 27,000*l.* is to come out
 ‘ of his pocket. It is in this light, my Lords,
 ‘ that I view the protest given in, by his Catho-
 ‘ lick Majesty’s minister, to Mr. *Keene*. The
 ‘ paying of this 68,000*l.* is, by that declaration,
 ‘ made an absolute condition, without which the
 ‘ convention cannot so much as exist. Now, my
 ‘ Lords, though I don’t say this demand of the
 ‘ court of *Spain* is founded on justice, and though
 ‘ I shall allow the declaration has not that mark
 ‘ of authenticity with the convention itself; yet
 ‘ I make no doubt but the *Spaniards* will look
 ‘ upon the *South-Sea* company’s refusing to pay
 ‘ the money, as a just reason for their refusing to
 ‘ fulfil any one article of the convention. * I say,
 ‘ my Lords, they will pretend that this refusal
 ‘ gives them such a right; and though I am far
 ‘ from admitting that right, yet if they stick by
 ‘ that pretence, it is the same thing in effect to
 ‘ our merchants, as if they had such a right, and
 ‘ this nation must be left to the ignominy of sub-
 ‘ mitting to treat anew. Thus, my Lords, I
 ‘ think, it appears, that the stipulation in favour
 ‘ of our merchants, is so far from being definitive,
 ‘ that it depends upon two very uncertain, nay
 ‘ improbable events; a right understanding be-
 ‘ twixt the plenipotentiaries, and the *South-Sea*
 ‘ company’s agreeing to pay 68,000*l.*

‘ The noble Lord was pleased to consider this
 ‘ stipulation, as it is called, in favour of our mer-
 ‘ chants, as a disavowal, on the part of *Spain*,

‘ of all the unjust claims and pretensions she had
‘ set up, and paying damages for the wrongs she
‘ has done us. My Lords, I wish I could pre-
‘ vail with myself to consider this article in that
‘ light. But it appears to me, that the *Spaniards*
‘ are so far from disavowing their unjust claims,
‘ that this article is a kind of aggravation of
‘ them. We insisted on satisfaction for the losses
‘ of our merchants; the *Spaniards* tell us, that
‘ they will give us some small satisfaction, but clog
‘ it with such terms, as they are sure we cannot
‘ comply with. This is the same thing as telling
‘ us, that if we will gratify them in one extrava-
‘ gant demand, they will gratify us in another.
‘ Thus, my Lords, they are far from owning
‘ themselves to be in the wrong. But, my Lords,
‘ here is another circumstance to be consider-
‘ ed: The King of *Spain* expects that the *South-*
‘ *Sea* company shall pay him, within a short
‘ time, the 68,000*l.* whereas he does not, by
‘ the convention, oblige himself to pay the
‘ 95,000*l.* till four months after the ratifications
‘ are exchanged. Now, if his Catholick Majesty
‘ should think fit to fix this short time, men-
‘ tioned in his declaration, at between two and
‘ three months, he can pay us with our own
‘ money. Nay, my Lords, if, before the four
‘ months are expired, the conferences of the ple-
‘ nipotentiaries should break up, he has then
‘ 68,000*l.* of our own money in his pocket, and
‘ will, very probably, think himself under no
‘ obligation of paying back one shilling of it in
‘ consideration of our merchants losses. The sti-
‘ pulation, therefore, of the 95,000*l.* is so much
‘ farther from being a definitive article for the re-
‘ lief of our merchants, and an acknowledgment
‘ on the part of *Spain* for the wrong done us,
‘ that it appears to be only a bait for drawing us
‘ in,

‘ in, to pay 68,000*l.* upon an unjust and arbitrary
‘ claim.

‘ The noble Lord was pleased to say, that the
‘ ministry had proceeded on the same foundation
‘ with your Lordships, and laboured to effect the
‘ same end. My Lords, this will be best seen by
‘ comparing your resolutions in the last session
‘ with the stipulations in the convention. Your
‘ Lordships resolved, “ That it was the just and
‘ “ undoubted right of the subjects of *Great Bri-*
‘ “ *tain*, to sail from one part of his Majesty’s do-
‘ “ minions to another, without being stopp’d or
‘ “ search’d on any pretence whatsoever.” Is there
‘ any stipulation in the convention, my Lords,
‘ answerable to this resolution? We there find,
‘ that this right is so far from being acknowledged
‘ to be just and undoubted, that it is submitted to
‘ the discussion of plenipotentiaries, who have
‘ eight months allotted them, to consider of the
‘ justice of a point, which, your Lordships have
‘ already found, can admit of no manner of dis-
‘ pute. But, adds the noble Lord, these pleni-
‘ potentiaries are tied down to proceed according
‘ to the treaties subsisting betwixt the two crowns,
‘ which treaties effectually secure our navigation
‘ and commerce. My Lords, I can by no means
‘ admit of the inference, which the noble Lord
‘ would draw from this, that the *Spaniards* agree-
‘ ing to proceed according to treaties, is equivalent
‘ to an ample renunciation of their claim to stop
‘ and search our ships. If the *Spaniards* had ever,
‘ in plain terms, refused to abide by what is stipu-
‘ lated in these treaties, I should then readily ad-
‘ mit this article of the convention to be a suffici-
‘ ent confirmation of their validity. But that
‘ is not the case, my Lords; the *Spaniards*, since
‘ the beginning of all our differences, have always
‘ expressed a great regard to these treaties; your
‘ Lordships see, by the papers lying on your ta-
‘ ble,

ble, that their minister affects to abide by what is there stipulated, and to plead for no other right than what is warranted by these treaties. So that, it is very probable, the *Spaniards* look upon this article as an acknowledgment of their demands. The very reasons given by the noble Lord, why we should look upon it as an acknowledgment in our favour, operate equally on their side. For, if we are to believe that they understand them in the same sense with us, because we have already explained them, may they not believe that we understand them in the same sense with them, for the same reason? Thus, my Lords, the very argument urged by the noble Lord for our looking upon this stipulation as equivalent to an express renunciation on the part of *Spain*, is, in my humble opinion, the strongest reason that could possibly have been urged to the contrary. If, as the noble Lord says, we can acquire nothing new by any definitive treaty, I should be glad to know to what purpose the nation has been put to such a vast expence in armaments, and to what purpose the negotiations have been protracted so many years? My Lords, I conceive we have a great deal to obtain, we are to obtain an express acknowledgment on the part of *Spain*, that she disclaims all her pretensions to stop or search our ships on the open seas. But this I suppose to have been the language of our negotiators at the *Spanish* court:—Will you consent to the point of *no search*? And that their answer was, *We will not*. Should our ministers then have been satisfied with it? No. They should have said,—*We will proceed no further*:—Then, my Lords, if a rupture had ensued, the support of Parliament, and the voice of the nation, would have bore them out in all their proceedings. My Lords, if we had obtain'd a previous ac-

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knowledge-

‘ knowledge of this nature, I don’t know
‘ that all the remaining differences, on that head,
‘ could have been important enough to merit a
‘ place in a definitive treaty; because no case
‘ could happen, in our *American* navigation, that
‘ could have created the least dispute. On the
‘ other hand, my Lords, without such an express
‘ acknowledgment, a definitive treaty, let it be
‘ conceiv’d in ever so strong terms, will be found
‘ ineffectual, and we shall have the same round
‘ of negotiations to begin, and the same expences
‘ to repeat. The noble Lord made a supposition,
‘ that we can be no sufferers, even though the
‘ *Spaniards* should understand these treaties in a
‘ sense different from us; nay, that we must be
‘ gainers, since, in the worst event, it is but go-
‘ ing to war. For, says his Lordship, we can
‘ then go to war with 95,000*l.* more in the na-
‘ tion. I have already considered what probabi-
‘ lity there is, that the *Spaniards* will ever pay
‘ that sum out of their own pockets; but
‘ give me leave to observe, my Lords, that,
‘ though they should pay it, this nation may
‘ soon lose ten times that sum, since its subjects
‘ have no security for carrying on their trade in
‘ *America*, during the eight months these pleni-
‘ potentiaries are sitting. The very stipulation,
‘ which refers the security of our trade there, to
‘ a future discussion, admits it to be a doubtful
‘ point; and as there is no article in the conven-
‘ tion to bind the *Spaniards* up from continuing
‘ their depredations, are we not to presume that
‘ they will look upon themselves at liberty to
‘ continue them till the definitive treaty is con-
‘ cluded? Hence, my Lords, there must be a
‘ total interruption of our trade to our colonies in
‘ *America* during that time, or we must carry it
‘ on under evident disadvantages.

‘ Now,

‘ Now, my Lords, I shall, as I proposed,
‘ take the liberty to consider how well this treaty
‘ agrees with the resolutions your Lordships came
‘ to on this head. I have already partly taken
‘ notice of the first, and give me leave to add,
‘ my Lords, that if our negotiators had kept
‘ that resolution in their eye, as they ought to
‘ have done, an article, or a concession founded
‘ upon it, must have answered all the purposes of
‘ their negotiations, with regard to future secu-
‘ rity. For if, as that resolution implies, there
‘ can be no such thing as contraband or pro-
‘ hibited goods in *British* ships sailing from one
‘ part of his Majesty’s dominions to another, the
‘ *Spaniards* cannot have the least pretext for
‘ stopping or searching them, unless they are
‘ found actually trading in their ports.

‘ The next resolution, my Lords, says, “ That
“ *British* ships have been violently seiz’d and
“ confiscated by the *Spaniards*, upon pretences
“ altogether unjust and groundless, and that the
“ sailors on board such ships have been injuriously
“ and barbarously imprisoned and ill-treated.”
‘ Now, as your Lordships found this to be a
‘ fact, I should be glad to know what reasons the
‘ negotiators of this convention can assign for our
‘ not obtaining satisfaction for these insults and
‘ barbarities. Is this nation, my Lords, used to
‘ bear such treatment, without receiving any sa-
‘ tisfaction? Are we so much reduced, are we so
‘ much despised, that we are obliged to confine
‘ our complaints within ourselves? Are our mer-
‘ chants and sailors, the two most valuable bodies
‘ of men among us, to be thrown out of the
‘ protection of the kingdom? And are the liber-
‘ ties of the subjects of *Great Britain* to lie at the
‘ mercy of an insulting enemy? In private cases,
‘ my Lords, betwixt man and man, regard is
‘ had to interruption of business, costs are given
‘ for

‘ for the loss of time, and much more for the
 ‘ loss of the liberty or limbs of the person injur’d.
 ‘ But, it seems, in a national case, where the ho-
 ‘ nour of a whole people is concerned, no con-
 ‘ sideration is to be had. My Lords, I am sorry
 ‘ that any such distinction should obtain amongst
 ‘ a free people; I am sure, if we long suffer any
 ‘ such distinction to take place, we shall not be
 ‘ long free. If the world shall once entertain an
 ‘ opinion that our ministers are so weak that they
 ‘ dare not, or so wicked that they will not, assert
 ‘ the honour of the nation, we shall be soon sub-
 ‘ ject to the insults of every petty state in
 ‘ *Europe*.

‘ Your third resolution, my Lords, says, “ That
 ‘ the frequent applications made at the court of
 ‘ *Spain*, on our part, for redressing these noto-
 ‘ rious abuses and grievances, for preventing the
 ‘ like for the future, and for obtaining adequate
 ‘ satisfaction, have proved entirely fruitless and
 ‘ of no effect.” It is plain, that your Lordships
 ‘ intention, in coming to this resolution, was,
 ‘ that these applications might be more effectual
 ‘ when back’d by the concurrence and authority
 ‘ of Parliament. But does it appear that they
 ‘ have had any weight? Is there one stipulation
 ‘ in this convention that can be call’d satisfactory,
 ‘ either to the honour of the nation, to our mer-
 ‘ chants, or to our sailors? Can the best friend of
 ‘ the convention pretend, that the sum stipulated
 ‘ for their relief is adequate to their losses? No,
 ‘ my Lords, I think that point is entirely neg-
 ‘ lected. So that it must be own’d, that your
 ‘ resolutions were not designed to have any effect
 ‘ on the measures to be pursued, or that our mi-
 ‘ nisters have taken care they should have none.

‘ The second article of the convention, my
 ‘ Lords, relates to the regulation of the limits of
 ‘ *Florida and Carolina*. Every man in the nation

‘ is sensible how deeply the national honour is
‘ engaged in the preservation of our settlement in
‘ *Georgia*, which is a part of *Carolina*; but, it
‘ seems, the *Spaniards* claim it as a part of *Flo-*
‘ *rida*. The nation has been at immense charges
‘ in settling and supporting that colony, and
‘ should we now give it up, or even suffer our
‘ possession of it to be call’d in question, all *Eu-*
‘ *rope* must look upon us, either as the most un-
‘ just, or most weak people under the sun. Our
‘ injustice must appear by our disposing of, in
‘ property to others, a doubtful territory; and
‘ our weakness must appear, in suffering any part
‘ of the property of this nation, or its subjects,
‘ to be determin’d by the event of any negotia-
‘ tion whatsoever. The provision made by the
‘ latter part of this article, that the fortifications
‘ shall not be increased, but remain in the situa-
‘ tion they are in at present, to me, bears a very
‘ unpromising aspect. To me it appears, that
‘ we are somewhat worse than doubtful of our
‘ right to that colony, that there is a design to
‘ give up its inhabitants to the mercy of *Spain*,
‘ if our wise plenipotentiaries should, by their full
‘ powers, think fit to declare the possession of
‘ this tract to that crown. My Lords, the peo-
‘ ple of *Georgia* transported themselves thither
‘ upon the faith of Parliament, and they have
‘ been at great expences, labour and industry, to
‘ make a settlement there. It will be, therefore,
‘ no wonder, should they be obliged to abandon it,
‘ if they think themselves very hardly, very un-
‘ justly treated. But how hard, how unjust,
‘ should they see themselves abandoned to the
‘ mercy of their enemies, through the weakness
‘ of our negotiators! In such case, my Lords,
‘ I cannot conceive how any subject of this
‘ crown, whose property lies in *America*, can
‘ think himself secure of enjoying it. For, my
‘ Lords,

' Lords, I will venture to say, that our right to
 ' *Georgia*, is as clear and undoubted as our right
 ' to any part of *America*; but though we have
 ' had a long and an uninterrupted possession of
 ' that territory, it is now disputed by the *Spaniards*. The late King *Charles II.* made a
 ' grant of it to certain proprietors, whose pro-
 ' perty the Parliament bought out ten years ago,
 ' at a considerable expence. The legislature has
 ' granted large sums to support this infant colony,
 ' and the *Spaniards*, so far as appears to the
 ' world, never questioned our right of possession,
 ' till the inhabitants had made a great progress in
 ' clearing the ground, and erecting houses. My
 ' Lords, I do not positively affirm that our pleni-
 ' potentiaries will give up this settlement, but,
 ' I think, it is ignominious to this nation, to suf-
 ' fer so much as her right of possession to be
 ' questioned. It is a prostitution of the publick
 ' faith, and giving our plenipotentiaries a power,
 ' which no plenipotentiaries of this crown ever
 ' had before, to dispose of the property of the
 ' nation, without obtaining the least equivalent.

' But, my Lords, setting aside these considera-
 ' tions, I cannot account for some late measures,
 ' if our right to *Georgia* is in the least question-
 ' able. Though the pretensions of the *Spaniards*
 ' to this colony, are but of a very late date, yet
 ' they are older than the regiment we have raised
 ' for its defence. And, my Lords, if we were
 ' not resolv'd, at all events, to keep possession of
 ' it, why was the nation put to the expence of
 ' raising this regiment, and of 10,000*l.* for a train
 ' of artillery and other stores and necessaries? If, on
 ' the other hand, it is intended that these forces
 ' should do their duty in case of an attack from
 ' the *Spaniards*, and to support our right by
 ' arms, where is the consistency of submitting
 ' this right to the decision of plenipotentiaries?

Why

‘ Why was the nation put to so great an expence,
‘ since it must be all lost, if our plenipotentiaries
‘ shall yield up this point? However, my Lords,
‘ by this article, we expose his Majesty’s forces to
‘ the mercy of their enemies: Or should the ple-
‘ nipotentiaries abruptly break off their conferen-
‘ ces, immediate war must unavoidably follow.
‘ What a condition then must all the subjects of
‘ *Great Britain* in these parts be! By this article they
‘ are disabled from taking the necessary precautions
‘ to defend themselves. We have no fortifications
‘ there at this time, that can be of any service, or
‘ afford any protection to our troops, in case of a
‘ rupture. And the *Spaniards* have a fort in the
‘ neighbourhood, from whence they can annoy us,
‘ and are not above three days sail from the *Ha-*
‘ *vanna*, from whence they can be supply’d with
‘ troops and provisions.

‘ The noble Lord supposed the differences be-
‘ twixt us and the *Spaniards* to be only about some
‘ encroachments made by our subjects upon the
‘ frontier of *Spain*. But, my Lords, I believe it
‘ will be found upon examination, that their pre-
‘ tensions are to the whole settlement, and that
‘ they dispute our right, even to *Carolina*. And,
‘ my Lords, I don’t see why they might not as
‘ well have claim’d *Jamaica* itself; since if one
‘ reason for surrendering up *Carolina* or *Georgia*
‘ can be given, I will engage to give two for our
‘ surrendering up *Jamaica*. For the first we hold
‘ by virtue of prior possession; which is all the
‘ right the *Spaniards* have to every foot of land
‘ they possess in *America*; and this was not only
‘ never before disputed, but is confirm’d by treaty.
‘ Now, my Lords, our right to *Jamaica* is indeed
‘ no better than a right of conquest; and the *Spa-*
‘ *niards* have not yet been prevail’d with to re-
‘ nounce it. As it therefore was conquer’d from
‘ them in time of usurpation, I should have been

‘ less surpriz’d, if by this convention our negotiators
 ‘ had consented that all the inhabitants and forts
 ‘ of that island should be disarm’d, till such time
 ‘ as they could determine which crown should en-
 ‘ joy it.

‘ What I have already said, my Lords, com-
 ‘ prehends in a great measure my objections to
 ‘ the third article of this convention. I shall only
 ‘ add, that I cannot see by what authority any
 ‘ commissary whatsoever could take upon him to
 ‘ dispose of the property of private subjects. I
 ‘ don’t know that our constitution vests our mi-
 ‘ nister with any such powers. An *Englishman*
 ‘ has a good action against the greatest minister,
 ‘ in whatever capacity he acts, nay against the
 ‘ King himself, if he apprehends that his private
 ‘ property is invaded. But here, my Lords, it
 ‘ is invaded and dispos’d of in favour of a fo-
 ‘ reign power, a power which has shamefully
 ‘ wrong’d them, and yet they are to have no
 ‘ relief.

‘ It has been much insisted on, my Lords, that
 ‘ this satisfaction to our merchants is a tacit ac-
 ‘ knowledgment on the part of *Spain*, that she
 ‘ has been in the wrong. But, my Lords, if
 ‘ *Spain* acknowledges herself to be in the wrong,
 ‘ can any man shew me a reason why we should
 ‘ give *Spain* 89,000*l.* upon no other account than
 ‘ because *she was in the wrong*? If our negotia-
 ‘ tors, my Lords, have a mind to be thus ex-
 ‘ cessively generous, I hope they will pay the
 ‘ deductions they made out of their own pockets;
 ‘ I am sure, if they do not, our merchants have
 ‘ very just grounds to call them to an account.
 ‘ But, my Lords, there is a great difference be-
 ‘ twixt a stipulation to pay money, and the actual
 ‘ payment of it. Notwithstanding what was said
 ‘ by the noble Lord about the difficulties of our
 ‘ being paid in any other manner than that spe-

‘ cified by this convention, I cannot but be of
‘ opinion, that if his Catholick Majesty had been
‘ sincerely disposed to pay this money, he might
‘ have easily commanded such a sum as 95,000*l*.

‘ However, there is something very inconsistent
‘ in the allowance made for the *Spanish* fleet de-
‘ stroy’d in the naval action twenty years ago. If
‘ we had ever disown’d the justice of our attacking
‘ them at that time, if we had ever called any of
‘ our officers or ministers to an account for what
‘ happen’d, it would have been just in us to have
‘ given them satisfaction for the loss they then sus-
‘ tain’d. But, so far from that, my Lords, the
‘ action was applauded by every power abroad, it
‘ was approv’d of by our government at home,
‘ and the Admiral who conducted the expedition
‘ was, for his good service then perform’d; created
‘ a Lord, by a wise and discerning Prince: So that,
‘ my Lords, from this stipulation, it may be truly
‘ said of our government; that it approves at home;
‘ what it dare not justify abroad.

‘ The importance of the fourth article, my
‘ Lords, has been greatly magnify’d, even, so far
‘ as to shew that his Catholick Majesty reposes in-
‘ tire confidence in our court, since he thereby a-
‘ grees to pay by his governours in *New Spain* a
‘ sum that, for ought he knows, may have been
‘ pay’d abroad. But this, my Lords, can never
‘ pass with any man, who observes in what man-
‘ ner things are manag’d betwixt the court of *Spain*,
‘ and the governors of their settlements in *America*.
‘ The court knows very well that these governors
‘ are neither obliged nor willing to make any such
‘ payment. And, even though the value of these
‘ ships were actually paid, I do not see how the
‘ *Spanish* court can be said to repose any confidence
‘ in his Majesty or the ministry here. For, my
‘ Lords, as the whole sum of 95,000*l*. is not pay-
‘ able till four months after the ratification, the

‘ *Spanish* court had sufficient time, betwixt the
 ‘ signing this convention and the term of payment,
 ‘ to inform themselves whether this money had
 ‘ been paid or not. If it has been paid, they have
 ‘ only to acquaint their minister here, and he will
 ‘ no doubt take care to discount it out of the
 ‘ whole sum; so that I think, my Lords, they
 ‘ have taken care that we should not over-reach
 ‘ them in this article.

‘ I have but two more facts to trouble your Lord-
 ‘ ships with, but they are of such a nature, as to
 ‘ serve clearly to inform us in what manner the
 ‘ *Spaniards* intend to fulfil this convention, and in
 ‘ what sense they understand the treaties now sub-
 ‘ sisting betwixt us and them. The first fact is up-
 ‘ on the face of the convention itself. The second
 ‘ separate article, my Lords, stipulates that the
 ‘ owners of the ship the *Succefs* shall give security
 ‘ to the *Spanish* minister at *London* to abide by what
 ‘ shall be determined by the plenipotentiaries with
 ‘ regard to that ship. And, my Lords, by the same
 ‘ article it is owned, that that ship was taken as she
 ‘ was coming from the island of *Antigua*. Thus,
 ‘ my Lords, we see in express terms, that it is ad-
 ‘ mitted by our ministers to be a doubtful case,
 ‘ whether or not a ship sailing from one of our own
 ‘ islands, not so much as pretended to be near one
 ‘ of the *Spanish* colonies, may be a lawful prize.
 ‘ After this unforced genuine import of this article,
 ‘ what becomes of all the concessions made to us,
 ‘ on the part of *Spain*, by this convention? If the
 ‘ merchants of this nation shall find that a ship
 ‘ sailing from one of our own colonies, under *Eng-
 ‘ lish* colours, and navigated by *Englishmen*, is con-
 ‘ fiscable by the *Spaniards*, or, at least, that it is
 ‘ doubtful if she is confiscable or not, who amongst
 ‘ them can be supposed so foolish as to hazard one
 ‘ shilling of their effects on board a ship in these seas,
 ‘ where their enemies can act with such injustice
 ‘ and

‘ and impunity? I know, my Lords, it has been
‘ said that this reference to the plenipotentiaries is
‘ only with regard to the value which is to be paid
‘ for the ship, in case she is not specifically restored;
‘ but, by the words of the article itself, it is quite
‘ otherwise. For this ship was taken on the 14th
‘ day of *April* in the 11th year of his present Ma-
‘ jesty, and the determination of all cases of cap-
‘ ture, that have happened since *December* last, is
‘ referred to these plenipotentiaries to be determin-
‘ ed according to treaties. So that, my Lords,
‘ this article says, in effect, that it being doubtful
‘ by treaties how far an *English* ship, sailing from
‘ an *English* colony to *Great Britain*, is liable to
‘ be seized and confiscated by the *Spaniards*, there-
‘ fore the sense of these treaties must be determin-
‘ ed by two *Spanish* and two *British* plenipoten-
‘ tiaries.

‘ The next fact, my Lords, I am to mention,
‘ is a fact which your Lordships heard at the bar
‘ of this house from the person who was principal-
‘ ly concerned. It is the case of Captain *Vaughn*,
‘ who was taken by the *Spaniards*, his ship confis-
‘ cated, and himself imprisoned at *Cadiz*, where
‘ he was detained for several weeks after the con-
‘ vention was signed. My Lords, this was a plain
‘ explanation on the part of *Spain*, that her mi-
‘ nisters understand the treaties named in this con-
‘ vention in a sense quite different from that of
‘ this house; and that she still expects, nay, is re-
‘ solved, to exercise, not only her claim of stop-
‘ ping, searching, and confiscating our ships, but
‘ the right which she has usurped of imprisoning
‘ and maltreating the subjects of this nation. This,
‘ my Lords, our ministers themselves cannot but
‘ be sensible of, since it appears that our plenipo-
‘ tentiary at that court used his utmost endeavours
‘ to obtain the captain’s release, but all in vain,
‘ till they had satisfied their malice. Our minister,

‘ my Lords, presented memorial after memorial;
 ‘ but that captain’s letters plainly and honestly tell
 ‘ us, it is not memorials that will heal his wounds.
 ‘ My Lords, the manly expressions in those letters,
 ‘ that language of liberty in a state of confinement,
 ‘ touch’d me to the quick. And this fact, my
 ‘ Lords, must give us sufficiently to understand,
 ‘ that the *Spaniards* will think themselves under
 ‘ no manner of obligation from the convention to
 ‘ discontinue their depredations and barbarities.
 ‘ For if, as the noble Lord insisted, this treaty is a
 ‘ disavowal of their unjust claims, why did they
 ‘ continue the exercise of them, in the person of
 ‘ this man, after that disavowal was made?

‘ Having said thus much, my Lords, with re-
 ‘ gard to the convention itself, I shall trouble your
 ‘ Lordships with a very few words on the subject of
 ‘ the address moved for. Addresses from the Par-
 ‘ liament to the crown have always been, or ought
 ‘ at least to have been, looked upon as the best in-
 ‘ formations which the Prince can receive, not on-
 ‘ ly of the interest but the sense of the nation.
 ‘ And, my Lords, if we agree to this address, I
 ‘ am afraid we shall act contrary both to the duty
 ‘ we owe to his Majesty, and that regard we ought
 ‘ to have to the people: We shall mislead his Ma-
 ‘ jesty into a belief that this convention is for the
 ‘ interest of the nation, and we shall wrong the
 ‘ subjects by misrepresenting their sense. I believe,
 ‘ my Lords, the greatest friend that our minister
 ‘ has, will not affirm that the nation is not tho-
 ‘ roughly and universally dissatisfied with this mea-
 ‘ sure. I am far from being against our expressing
 ‘ the warmest sentiments of duty and affection to
 ‘ his Majesty. I know his paternal regard for e-
 ‘ very thing that concerns his subjects, and that
 ‘ he is as ready to redress their grievances, as they
 ‘ are to lay them before him. We have repeated
 ‘ assurances from his own mouth that he is sensibly
 ‘ concerned

‘ concerned for the hardships they suffer by the
‘ injustice of the *Spaniards*. And, my Lords, if
‘ we should by an ill-timed address tell him that
‘ they are removed by this convention, we thereby
‘ pay a compliment to the throne, that may be
‘ fatal both to ourselves and to posterity.

‘ I think, my Lords, I have made it appear
‘ that this convention is destructive and dishonour-
‘ able to this kingdom, and so far from healing the
‘ yet bleeding wounds which our commerce has
‘ received, that it lays it open to greater insults,
‘ and exposes the persons of our sailors to, if possi-
‘ ble, still greater barbarities. Can we congratulate
‘ the crown for bringing the demands of its sub-
‘ jects to a final adjustment, when the sum stipula-
‘ ted for their relief amounts not to the value of
‘ the fourth part of what they have lost? When
‘ the payment too of that poor pittance is precari-
‘ ous? Can we say that a foundation is laid for ac-
‘ complishing the great and desirable ends of ob-
‘ taining future security, and preserving the peace
‘ between the two nations, when it is evident, be-
‘ yond all contradiction, that future security is so
‘ far from being obtain’d, or a foundation for it
‘ laid, that no other foundation is laid, but for a
‘ claim absolutely and irretrievably to ruin all our
‘ colonies, all our interests, all our commerce in
‘ these parts? This may indeed be said to preserve
‘ peace betwixt the two nations, because it will
‘ disable us from ever being in a condition to make
‘ war.

‘ In short, my Lords, our all may be said now
‘ to be at stake. Upon your Lordships behaviour
‘ to-day depends the fate of the *British* nation. I
‘ don’t often speak in the learned languages: But
‘ I am afraid, my Lords, the prophetick phrase,
‘ which I once heard a most learned Lord pro-
‘ nounce, *Venit summa dies*, will now be verified.
‘ This nation has, my Lords, hitherto maintained
‘ her

‘ her independency by maintaining her commerce ;
‘ but if either is weakened, the other must fail.
‘ It is by her commerce, my Lords, that she has
‘ been hitherto enabled to stand her ground against
‘ all the open and secret attacks of the enemies to
‘ her religion, liberties, and constitution. It is
‘ from commerce, my Lords, that I behold your
‘ Lordships within these walls, a free, an independent assembly ; but should any considerations influence your Lordships to give so fatal a wound to the interest and honour of this nation, as your agreeing to this address, it is the last time I shall have occasion to trouble this house. For, my Lords, if we are to meet only to give a sanction to measures that overthrow all our rights, I should look upon it as a misfortune for me to be either accessory or witness to such a compliance. I will not only repeat what the merchants told your Lordships, That their trade is ruined : I will go farther, I will say, The nobility is ruined, the whole nation is undone. For I can call this treaty nothing else but a mortgage of your honour, a surrender of your liberties. I therefore hope that your Lordships will assume that character which dignifies this house : That you will be the impartial, the uninfluenced advisers of his Majesty on this great and decisive affair. And that, if you present any address on this occasion, it may be such as will speak the sentiments of every disinterested man in the kingdom, and a firmness not to be shaken by any confederacies whatever. But, my Lords, what reason is there to fear that *France*, or any other nation, will abet *Spain* in her unwarrantable claim of dominion in the *American* sea, or her unreasonable interruption of commerce ? It is commerce, my Lords, which enriches *France* ; it is commerce which supports the *French* ; from that fountain flow all their wealth, strength and glory. Can we therefore imagine
‘ that

‘ that any nation, whose interests have so close a
 ‘ dependence upon a free and uninterrupted navi-
 ‘ gation, will enter into any measures, in conjunc-
 ‘ tion with *Spain*, to oppose those rights of another
 ‘ people, which would so nearly, so sensibly affect
 ‘ themselves? Upon these and many other confi-
 ‘ derations, which I have no occasion to trouble
 ‘ your Lordships with the repetition of, I will pay
 ‘ the last duty to my country, and put my nega-
 ‘ tive upon this question.’

The Bishop of *Salisbury* spoke next to the fol-
 lowing purpose.

‘ My Lords,

‘ It may seem a very bold undertaking, after
 ‘ what has fallen from the noble Lord, who was
 ‘ last up, to attempt to speak in favour of the
 ‘ convention. The noble Lord, who has impro-
 ‘ ved his great natural talents by long experience
 ‘ and observation, has given so many reasons, and
 ‘ with such strength, against this measure, that
 ‘ nothing but an entire conviction of its being for
 ‘ the honour and interest of this nation, cou’d have
 ‘ induced me to trouble your Lordships with any
 ‘ thing by way of reply to what his Lordship has
 ‘ advanced. But, my Lords, when I consider,
 ‘ that there is no mind so disinterested, no judg-
 ‘ ment so sound, as not on certain occasions to be
 ‘ susceptible of prejudice, and a wrong bias, I
 ‘ think it my duty to lay before you my reasons
 ‘ why I approve of this address. And this I am
 ‘ inclined the rather to do, because the noble Lord
 ‘ has not, to my apprehension, spoke to what con-
 ‘ fessedly ought to be the foundation of all treaties,
 ‘ I mean the justice and equity of the thing, ab-
 ‘ stracted from all other considerations. If, my
 ‘ Lords, I shall make it appear to your Lordships
 ‘ satisfaction, that this convention is not only
 ‘ founded

Bishop of
Salisbury's
 speech.

' founded on both, but is agreeable to the truest
 ' maxims of policy, I know the noble Lord's
 ' candour is such, that he will readily agree to
 ' this motion. On the other hand, my Lords,
 ' if any Lord shall answer what I have to say to
 ' the satisfaction of this house, if it shall be
 ' evinc'd, that this convention deserves all the
 ' hard names the noble Lord has bestowed on it,
 ' I shall be very ready to own myself under the
 ' power of prejudice, and to agree to any censure
 ' your Lordships shall think fit to pass upon it.

' But, my Lords, before I enter into the me-
 ' rits of the convention itself, give me leave to
 ' say somewhat with regard to what is properly
 ' the subject of this debate. And first, my
 ' Lords, I must observe, that there cannot be
 ' any danger, as the noble Lord apprehends, in
 ' approving of this address, even though we
 ' should disapprove of the convention. For,
 ' what do your Lordships say in the address?
 ' You thank his Majesty for laying the convention
 ' before this house. My Lords, this has been
 ' the language of this house, ever since it was a
 ' house, as often as the crown has thought fit to
 ' communicate to it any treaty, or any act of the
 ' prerogative. Therefore, I am sure, no excep-
 ' tion can be taken at this clause. We next ex-
 ' press our just sense of the royal care in bringing
 ' the demands of the *British* subjects to a final
 ' judgment, and procuring an express stipulation
 ' for a speedy payment. My Lords, I believe
 ' nobody pretends to deny this has been done,
 ' and I believe it will be as little disputed, that
 ' this is the proper issue to which the demands of
 ' our merchants ought to have been brought.
 ' We then thank his Majesty for laying a founda-
 ' tion for accomplishing the great and desirable
 ' end of obtaining future security: And, my
 ' Lords, notwithstanding all that the noble
 ' Lord,

‘ Lord, who spoke last, has advanced on this
‘ head, I don’t think he has said one word,
‘ which can prove that this convention has not
‘ laid such a foundation. The convention plainly
‘ stipulates that the treaties now in force, betwixt
‘ the two crowns, shall serve as a direction for
‘ the plenipotentiaries. If these treaties are not a
‘ direction, my Lords, I should be glad to know
‘ by what other rule our plenipotentiaries could
‘ act, or what better foundation could be laid. I
‘ am sure your Lordships, upon them, built the
‘ resolutions you came to upon this subject, and
‘ we never yet heard of any other security we
‘ cou’d claim for our rights of navigation and
‘ commerce, but treaties. Therefore, my Lords,
‘ I think there can be no matter of objection to
‘ our agreeing to this part of the address.

‘ But, my Lords, the next paragraph, in my
‘ opinion, contains a full answer to all that has
‘ fallen from the noble Lord, who spoke last,
‘ with regard to our future security. His Lord-
‘ ship insisted that, in this convention, your
‘ rights of navigation ought to have been ex-
‘ pressly secured against all violation in time to
‘ come. My Lords, let us see how that matter
‘ stands. The *Spaniards* and we have differences;
‘ we fit out a fleet to give strength to our nego-
‘ tiations; and they offer to treat. But our dif-
‘ ferences are so many, and the cases so intricate,
‘ that the definitive stroke must be a work of
‘ time. However, they soon agree to a prelimi-
‘ nary, in which they acknowledge the validity
‘ of those treaties, by virtue of which we claim
‘ our right not to be interrupted in our commerce.
‘ This, my Lords, is the plain and undeniable
‘ fact. But what follows? The preliminary comes
‘ to be considered in this house, and the noble
‘ Lord objects to it, because it is not a definitive
‘ treaty. No, my Lords; but it ties the mi-
‘ nistry

' nistry down from making any treaty in conse-
 ' quence of this preliminary, but such a treaty as
 ' must effectually secure you against all the en-
 ' croachments you have hitherto complained of.
 ' You tell his Majesty's ministers, by this address,
 ' that you are not to be satisfied with any treaty,
 ' in which *proper provision shall not be made for*
 ' *redress of the grievances so justly complained of,*
 ' *and particularly that the freedom of navigation*
 ' *and commerce in the American seas may be effec-*
 ' *tually secured to his British subjects, that they*
 ' *may enjoy unmolested, pray mark, my Lords,*
 ' *their undoubted right of navigating, and carrying*
 ' *on trade and commerce, from one part of his Ma-*
 ' *jesty's dominions to another, without being liable*
 ' *to be stopped, visited, or searched on the open seas,*
 ' *or any other violation or infraction of the said*
 ' *treaties.*

' Can words be stronger than these, my Lords,
 ' to signify your Lordships zeal for having the
 ' rights of this nation put out of all question,
 ' and beyond all violation? They contain almost
 ' the very words of your Lordships resolutions,
 ' and the very thing which the noble Lord, who
 ' spoke last, has been pleading for. So that the
 ' noble Lord's arguments could not be against
 ' our agreeing to this address, but against our mi-
 ' nistry, who have not performed impossibilities
 ' in making a definitive, instead of a preliminary,
 ' treaty, and in not working miracles, by chan-
 ' ging the natural phlegm of the people, they
 ' were to treat with, into all the vivacity and
 ' dispatch which the impatience of our people at
 ' home requires. There is nobody, I am sure,
 ' knows better than the noble Lord does, that,
 ' if you treat with a people, you are to treat with
 ' them according to their predominant genius and
 ' disposition; you are to yield a little to their hu-
 ' mours, that you may thereby gain a great deal
 ' to

‘ to your own interest. And it is well known,
‘ my Lords, that the *Spaniards* are a people who
‘ will give up a point of interest, before they will
‘ give up a point of form. Therefore, as you
‘ preferred peace, if it could be had upon rea-
‘ sonable terms, and as every thinking man in the
‘ kingdom was, I believe, sensible that a war
‘ with *Spain* was to be avoided, if we could do it
‘ consistently with our honour; I don’t think
‘ that our ministry could have answered to this
‘ house, and to the nation, if they had acted
‘ any otherwise than they have done.

‘ Having said thus much with regard to the
‘ address, I come now, my Lords, to speak to
‘ what I propos’d; the nature of the rights for
‘ which we contend, as founded on reason. My
‘ Lords, I am very sensible that the *Spaniards*
‘ have been guilty of gross violations of treaties,
‘ and, give me leave to say, that by this conven-
‘ tion they appear to be sensible of it themselves.
‘ Therefore, by what I have to say upon this
‘ head, I don’t in the least intend to justify them
‘ in their violences. Nor, my Lords, do I in-
‘ tend in the least to weaken our right to an unin-
‘ terrupted exercise of our trade and navigation
‘ on the *American* seas. I hope, my Lords, that
‘ our ministry will obtain as full an acknowledg-
‘ ment of them all, as the best friend of this na-
‘ tion wishes. All my intention is to prevent, as
‘ much as any thing I can say can prevent it, the
‘ mistakes which may otherwise arise about the
‘ search and visit, from which we plead an ex-
‘ emption, and the rather, because the noble
‘ Lord, in what he said formerly, and on this
‘ occasion, has, I think, pleaded for an exemp-
‘ tion which we cannot claim, either by treaties,
‘ by the law of nations, or by the practice of
‘ nations.

‘ By

' By the first general treaty, my Lords, which
 ' we have with *Spain*; it is stipulated, That when
 ' a ship of war belonging to the one nation shall
 ' meet with a trading vessel belonging to the
 ' other, that ship of war may visit such a vessel;
 ' and if prohibited goods are found on board;
 ' they are confiscable. This treaty, my Lords;
 ' extends to the mutual possessions of both crowns
 ' in *America*, as well as in *Europe*; and there be-
 ' ing no restriction to prevent this visit taking
 ' place in *America* as well as in *Europe*, it was
 ' plainly the intention of the contracting powers,
 ' that no such exemption should be pleaded by ei-
 ' ther, as the noble Lord contends for. The
 ' next treaty was made three years, or I believe
 ' not above two years; after, and was restricted to
 ' *America* alone. And, my Lords; this last treaty
 ' confirms, in the very first article; all the stipu-
 ' lations of the preceding one, which it expressly
 ' mentions. The mutual prohibition of trade is;
 ' by the eighth article of this treaty, repeated;
 ' though not more effectually stipulated, than it
 ' was by the preceding one; but this only proves
 ' that the contracting powers look'd upon that
 ' prohibition, as the great basis upon which all
 ' their negotiations were to be founded. For we
 ' find, that the treaty of *Utrecht* mentions the
 ' sole possession of the *Spanish Indies* remaining to
 ' that crown, as the principal consideration which
 ' was to be regarded. But, my Lords; what
 ' does this prove? Does it prove, as the noble
 ' Lord contends for, that our ships can only be
 ' visited in their ports and harbours? My Lords,
 ' give me leave to say, that if treaties are wrested
 ' in this manner, there is not a treaty subsisting
 ' betwixt us and any power in *Europe*, which
 ' may not be construed to purposes that destroy
 ' the very end for which it was made. By all
 ' the treaties in force betwixt us and the *Spa-*
 ' niards;

' niards, the advantages arising from the trade
' with their settlements in *America* are reserv'd to
' them; this is undeniable; but, according to
' the noble Lord, these very treaties admit of a
' construction that puts it in our power to run
' away with all that trade; for, it seems, that a
' mutual prohibition of trade, is the very thing
' by which we defeat all the intention of such a
' prohibition, and make the property of each
' crown common to the other. I speak, my
' Lords, of the property of *England* as well
' as of *Spain*, because, as the prohibition is mu-
' tual, the advantages arising from that prohibi-
' tion ought likewise to be mutual. Now, my
' Lords, give me leave to suggest to your Lord-
' ships in what manner we should reason, and
' how we should behave, if our share of property
' in *America* were larger than that of *Spain*, and
' if that of *Spain* were no larger than ours is at
' present. Should we, my Lords, suffer the
' very means, that are agreed upon as the proper
' method of securing that property, to be the
' very means of its being render'd quite useless to
' us? Consider, my Lords, how the case stands
' at present. We have no trade, we say, with
' the *Spanish* settlements in *America*, therefore
' there can exist no object of search. Therefore,
' let our ships be seen hovering about their coasts
' for days, nay weeks together, they are not to
' ask any questions; as long as we don't go into
' their ports and harbours, they can't seize or
' search, or so much as visit, provided we keep
' at sea, though but a pistol-shot from their shores.
' Would we, my Lords, suffer any people in the
' world to brave us in that manner? Should they
' but pretend to do it, is there a man in this na-
' tion who would not exclaim, who would not call
' loudly out for war to chastise their injustice,
' and accuse our ministry of cowardice, should
' they

' they refuse it? To bring this case, my Lords,
 ' still nearer home to our own. Let us consider
 ' in what manner we ourselves think fit to treat all
 ' the other nations of *Europe*, whom we suspect to
 ' be concerned in those practices of which the *Spa-*
 ' *niards* now accuse us. It is true, they are obli-
 ' ged to give us the honour of the flag, but this is
 ' a right we don't claim by the laws of nations,
 ' but by positive treaties. But, my Lords, in
 ' what manner do we act when our ships meet
 ' with any foreign vessel that is hovering within
 ' two leagues of our coast? Why, my Lords, we
 ' do the very same thing by them as the *Spaniards*
 ' do by us in like circumstances, we stop them,
 ' we examine if they have not been concerned in
 ' a clandestine trade, in a trade that is, or may be,
 ' detrimental to the revenues of this nation: And,
 ' my Lords, if we find that they have, the pro-
 ' hibited commodities which they are laden with
 ' are seizable and confiscable. By a late law, my
 ' Lords, the cases liable to such confiscation are
 ' regulated in so strict a manner, that had the *Spa-*
 ' *niards* proceeded against our *American* ships, in
 ' like circumstances, with the same severity, we
 ' must have heard of a great many more captures
 ' than we have. That law enacts, that if a ship
 ' shall be found within two leagues of our coast,
 ' not proceeding on her voyage with the first op-
 ' portunity, and if such ship shall have on board
 ' six pound weight of tea, or any spirits in casks
 ' under sixty gallons each, except the seamens al-
 ' lowance, which is two gallons a man, such com-
 ' modities become lawful prize.

' There is, my Lords, one circumstance in our
 ' commerce, that, I think, puts us entirely on the
 ' same foot with the *Spaniards* in *America*; and
 ' that is, the case of our wool trade. Our wool
 ' we reckon to be a staple commodity of this na-
 ' tion. The exportation of it, on any pretence
 ' whatsoever,

whatsoever, is prohibited under the severest penalties. The same may be said of our tin, and our fuller's-earth. And, my Lords, we pretend specifically to know these commodities wherever they are found. Suppose, my Lords, one of our ships of war should meet with a *French* ship laden with our wool, tin, and fuller's-earth, sailing from *England*: If these commodities should be found in such a ship, and if our captains should seize them, would the *French* think they had a right to reclaim such commodities, because they were not taken within the precise bounds marked out by our acts of Parliament? A ship of war, my Lords, has a right to visit the trading ships of another nation in any latitude, because they are to take care that no ship is concerned in any trade, or in any voyage, that may be detrimental to the subjects, or the revenue of the crown they serve; nay, my Lords, a ship of war, when she has a proof, or even a strong presumption, that a trading vessel of another nation has any of our prohibited commodities on board, has a right not only to visit but to search such ships. My Lords, the *Spaniards* in their settlements in *America* have the very same regulations with us in this respect. They have certain commodities there which may be called staple, and which they say are specifically different from the same commodities in any other part of the world. Of this kind is their cocoa-nut, their logwood, and their silver coin or plate. It is true, that we pretend we have logwood and cocoa-nuts growing in our plantations. But then the *Spaniards* tell us, and I believe very justly too, that there is as great a difference betwixt our cocoa-nuts and theirs, and our logwood and theirs, as there is betwixt our wool and that of any other nation. Therefore, say they, why will you deprive us of a right which you yourselves exercise in as extensive a manner

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‘ manner as we pretend to? We (continue they)
 ‘ have still a better right to visit ships on the *Ame-*
 ‘ *rican* seas, than you have of visiting on the *Euro-*
 ‘ *pean*. We pretend only to visit on the seas that
 ‘ wash our own coasts, and the intention of that
 ‘ visit is only to secure to ourselves those advanta-
 ‘ ges that are stipulated by treaty, which you your-
 ‘ selves do not dispute. I know, my Lords, that
 ‘ the *Spaniards* have abused and extended this
 ‘ claim to unwarrantable excesses; and, my Lords,
 ‘ if I had reason to think that these abuses are
 ‘ countenanced by the court of *Spain*, I should
 ‘ very willingly give my voice for chastising them
 ‘ in an exemplary manner. But, my Lords, if we
 ‘ consider that the *Guarda Costa*’s, by which these
 ‘ abuses were committed, are not properly ships
 ‘ belonging to the crown of *Spain*; if we consider,
 ‘ that it is impossible for any crown to prevent a-
 ‘ buses of that kind, and that they in effect disa-
 ‘ vow them, I think, they ought to have no in-
 ‘ fluence upon our present deliberation.

‘ Upon the whole, my Lords, it is evident that
 ‘ there are certain points of commerce, and certain
 ‘ rights, which we cannot deny to *Spain*, without
 ‘ acting with the greatest inconsistency and injus-
 ‘ tice on our part. We cannot deny, that they
 ‘ have a right to imploy their utmost endeavours in
 ‘ preventing a clandestine trade betwixt their own
 ‘ colonies and any other nation in the world but
 ‘ themselves: That they have a right to seize upon
 ‘ and confiscate all ships that are found carrying
 ‘ on such a trade, and are sole judges of all cases
 ‘ betwixt the captors and the owners of such a ship.

‘ We, on the other hand, my Lords, with great
 ‘ justice, insist on a free navigation betwixt one
 ‘ part of his Majesty’s dominions and another.
 ‘ We insist that this freedom of navigation be not
 ‘ interrupted by our ships being stopp’d or searched
 ‘ on the open seas; and this is a right which the
 ‘ *Spaniards*

‘ *Spaniards* have never yet expressly denied us.
 ‘ So that, my Lords, when we consider the mat-
 ‘ ter coolly and without prejudice, there is no dif-
 ‘ ference betwixt us about the *general rights*, which
 ‘ each claims, but about the *particular manner in*
 ‘ *which these rights are exercised*. We tell the *Spa-*
 ‘ *niards*, that though they have a right to prevent
 ‘ all clandestine trade in their own settlements, yet,
 ‘ that they ought not to exercise that right in such
 ‘ a manner as to interrupt the freedom of our na-
 ‘ vigation. The *Spaniards*, on their part, tell us,
 ‘ that we are not to abuse that freedom of naviga-
 ‘ tion, which they acknowledge we have a right
 ‘ to, by exercising it in such a manner as to give
 ‘ our merchants an opportunity of trading with
 ‘ their colonies. This, my Lords, is the plain
 ‘ state of the points in difference betwixt us and
 ‘ *Spain*. Neither disputes the rights of the other,
 ‘ but each disputes the exercise of these rights.
 ‘ Therefore, my Lords, all that remains to be done
 ‘ by the negotiators on both sides, is, to reconcile
 ‘ the *exercise* of our rights of navigation to the
 ‘ *enjoyment* of their rights to prevent a clandestine
 ‘ trade with their settlements. This, my Lords,
 ‘ is what cannot be done by canvassing the words
 ‘ of any treaty, because no treaties have provided
 ‘ against all abuses of this kind. It can therefore
 ‘ be done only in the method proposed by this very
 ‘ convention, by appointing plenipotentiaries on
 ‘ each side, who are to meet and to settle the proper
 ‘ methods of *regulating*, or, if you will, of remo-
 ‘ ving, all the grievances subsisting on either side.
 ‘ This, my Lords, cannot be done, but by each
 ‘ side receding a little from the rigour of its de-
 ‘ mands, and by our considering the intention as
 ‘ well as the words of treaties. There is no trea-
 ‘ ty, my Lords, can be devised by the wit of man,
 ‘ so as to comprehend and provide for all the cases
 ‘ that may arise from the abuses of it, if either of

' the parties concerned should refuse to submit to
 ' a reasonable explanation of its true intention and
 ' meaning, and justify their abuses of it from their
 ' not being literally provided against. The treaty
 ' of the 23d of King *Charles* II. whereon we
 ' found our rights to a free exercise of navigation,
 ' provides, that we may sail from one part of his
 ' Majesty's dominions to another; but it does not
 ' provide that, in case our ships shall be found ho-
 ' vering within gun-shot of the *Spanish* coasts, the
 ' *Spaniards* must not stop and search these ships,
 ' though they have the clearest and most undeni-
 ' able proofs of their carrying on an illicit trade.
 ' But, my Lords, because no such provision is
 ' made, would it be reasonable in us to insist upon
 ' it, that it is a breach of that treaty, for them to
 ' seize any ship in such circumstances? On the
 ' other hand, my Lords, should the *Spaniards*,
 ' because a prohibition of trade with their colonies
 ' is stipulated by that treaty, under the colour of
 ' preventing an illicit trade, interrupt our freedom
 ' of navigation on the open seas, I think we should
 ' be warranted by all laws divine and human, to
 ' bring them to a severe account. But, my Lords,
 ' if both sides, without justifying these excesses,
 ' shall have recourse to the original meaning of the
 ' treaty, and take the pains to examine into the
 ' proper methods of preventing them, as is pro-
 ' posed by this convention, I am persuaded that
 ' each party will have reason to be satisfied.

' The learned and noble Lord, who spoke last,
 ' took great pains to prove that the second article
 ' of this convention is inconsistent with the resolu-
 ' tions your Lordships came to, the last session,
 ' on this head. But, my Lords, if I understood
 ' your Lordships intentions in coming to these re-
 ' solutions, you did not intend them as instructions
 ' to his Majesty's ministers to justify all the abuses
 ' that may be introduced into that commerce.

' You

‘ You found that a free navigation in these seas
‘ was the undoubted right of the subjects of *Great*
‘ *Britain*; but you did not declare that, if the
‘ subjects of *Great Britain*, in consequence of this
‘ right, should carry on, nay, force a trade with
‘ the *Spanish* settlements, the treaties betwixt the
‘ two crowns authorized such a trade, and that
‘ our minister should immediately declare war, if
‘ the *Spaniards* refused to acknowledge such a
‘ trade to be lawful. Unless your Lordships did
‘ this, the convention and your Lordships resolu-
‘ tions are exactly correspondent to one another,
‘ since the treaties upon which your resolutions
‘ were formed, are therein acknowledged, and laid
‘ down as the ground-work upon which our pleni-
‘ potentiaries are to proceed.

‘ My Lords, I should not have ventured upon
‘ these unpopular, but certain truths, did I not
‘ know that I speak in an assembly that has been
‘ always eminent for a strict regard to justice,
‘ whomsoever it may affect. What I have said,
‘ my Lords, I am sure, if rightly considered, can
‘ never injure any of the rights of this nation,
‘ far less can it justify any of the unwarrantable
‘ claims or practices of the *Spaniards*. Let our
‘ rights of navigation remain inviolate, let the
‘ commerce of this kingdom extend, and her in-
‘ terests prosper; but, my Lords, do not let us
‘ endeavour to advance these interests by means
‘ that justice cannot warrant, and prostitute the
‘ faith of this nation to gratify a mistaken notion
‘ of her honour. We never can vindicate her
‘ honour so effectually, as by maintaining the faith
‘ of treaties, by insisting upon nothing that is not
‘ strictly warranted by them, and by our readiness
‘ to submit every doubtful point to a fair and an
‘ amicable discussion. It is no sign of true courage,
‘ my Lords, for us to tell any people that we
‘ know we are in the right, and if they won’t

' yield to us, they must fight us. If we consult
 ' history, my Lords, we shall find that success ve-
 ' ry seldom attends any people, who set themselves
 ' up for the bullies of mankind. The reason is
 ' plain: All nations are against such a people, and
 ' if the fear of their power should hinder them a
 ' while from acting openly against them, they ne-
 ' ver fail secretly of taking all advantages to hum-
 ' ble them. The *Romans* themselves, my Lords,
 ' though their power was very great, yet, even
 ' when they were in the height of their glory, ne-
 ' ver refused to hearken to reason; and we find
 ' them often submitting to treat, where, had they
 ' entered into war, they had been sure to conquer.
 ' If this maxim, my Lords, was a good one a-
 ' mongst a people who maintained themselves in
 ' their conquests by arms, much more ought it to
 ' be cherished by us, who subsist by trade. Trade,
 ' my Lords, may be ruined even by a successful
 ' war, and recovered by an indifferent peace. I
 ' would not be understood, my Lords, that we
 ' are to give up any of our just rights, or that we
 ' are to sue to the *Spaniards* for peace: No, my
 ' Lords, this very convention is sufficient proof,
 ' that we treat with them on an equal, nay, a su-
 ' perior footing; and if a definitive treaty shall be
 ' concluded in consequence of this preliminary one,
 ' we may justly say, that we have given peace,
 ' and not received it. As a proof of this, my
 ' Lords, let us consider the behaviour of the *Spa-*
 ' *niards* some time ago, compared with what it is
 ' at present: And whoever does this, my Lords,
 ' will find that they have yielded up many points,
 ' and those material ones, and we have not given
 ' up one.

' This, my Lords, has not been attempted to
 ' be denied by the noble Lord himself, who spoke
 ' last; and I believe every considering man of this
 ' nation would have blamed the ministry, had they
 ' plunged

plunged the nation into a war without any necessity. But, my Lords, it has been the fate of all ministers, that ever served this nation, that let their measures be ever so just, and their zeal ever so disinterested, a party has been always found amongst ourselves, to accuse them of wickedness or weakness. They, who are resolved to find fault, right or wrong, will never want pretences. I, my Lords, have lived long enough to see measures quite opposite to one another approved of by the same party. I have heard the ministry accused of rashness by those in the opposition for entering into a war with *Spain*. I hear them now accused of pusillanimity for endeavouring to preserve a peace with her, and I may, perhaps, live long enough yet to see this convention as universally applauded, as it is now industriously decry'd. They in the opposition, my Lords, have many advantages, without doors, over those in the ministry. They have the happiness of being looked upon by the people as advocates for their rights. This gives great weight to all they say or print. They likewise never fail to cover all their designs with a word, that is dear to every free-born people, *liberty*. This, my Lords, gives them a fine field of declamation, and there is nothing so absurd, or so ridiculous, that will not beget a popular prejudice in its favour, if they have art enough to colour it with that specious appearance. For this reason, my Lords, the cry without doors has very little influence with me, any farther than to give me a sensible pleasure, in reflecting that all our liberties are safe, since even the abuse of them passes unpunished. My Lords, there is nothing can be a greater proof, that the dangers to which our liberties are said to be exposed are groundless, than the very freedom with which people suggest that we are in any such danger. If liberty were in danger, my

Z 4

Lords,

‘ Lords, no man durst be so hardy as to tell the
 ‘ world that it is so; and if this convention were
 ‘ so disgraceful to this nation as some pretend,
 ‘ our ministry would have made a farther stretch
 ‘ of their power; they would have rendered it
 ‘ unsafe for any party to have censured their
 ‘ conduct with so much freedom. Former mi-
 ‘ nisters, my Lords, have acted in this manner;
 ‘ even good ministers have proceeded to severi-
 ‘ ties under half the provocation the present ad-
 ‘ ministration has met with. But, my Lords, we
 ‘ have nothing of that kind to fear now; his
 ‘ Majesty submits the conduct of his ministers
 ‘ to your examination, their measures must stand
 ‘ or fall, as you approve or censure.

‘ I would not have said so much, my Lords,
 ‘ upon a subject that has no immediate relation to
 ‘ this question, had not the noble Lord, who spoke
 ‘ last, seem’d to think that our agreeing to this
 ‘ address, an address of duty, my Lords, to his
 ‘ Majesty, would give a fatal blow to the liber-
 ‘ ties of this nation, and rendered it unnecessary
 ‘ for any Lord hereafter to attend the duties of
 ‘ this house. I shall, therefore, trouble your
 ‘ Lordships no farther, than to add a few obser-
 ‘ vations on what fell from the noble Lord, on
 ‘ the other articles of this convention.

‘ His Lordship thought it extremely unrea-
 ‘ sonable, that this convention did not provide
 ‘ an adequate reparation for all that our sailors
 ‘ have suffered in their persons from the *Spani-
 ‘ niards*. I should have been extremely glad,
 ‘ my Lords, if such reparation could have been
 ‘ obtained, and I believe this house would be
 ‘ obliged to his Lordship, if he would take the
 ‘ pains to point out in what manner such a satis-
 ‘ faction can be effected. It must first appear,
 ‘ that the parties who suffered, applied to the
 ‘ court of *Spain* for relief, that they prosecuted
 ‘ the

‘ the authors of their sufferings, and prov’d the
‘ facts they alledged, and that the government of
‘ *Spain* had approv’d of their conduct, and justi-
‘ fied their barbarities; or it must appear, that
‘ these courts were not open to their relief, and
‘ that they were necessitated to apply to the go-
‘ vernment here. My Lords, I never heard of
‘ any instance of that kind; and though there had
‘ been any such instance, I doubt the *Spaniards*
‘ are not without complaints on their part too,
‘ of the injustice of our governors. Consider,
‘ my Lords, how long it is ago since our people
‘ in *Jamaica* used to go and force a trade with the
‘ *Spanish* settlements, how many acts of piracy
‘ were committed by our subjects against the *Spa-
‘ niards*: Nay, my Lords, these abuses pro-
‘ ceeded so far, that whole fleets of pirates, for I
‘ can call them no better, avowedly invaded the
‘ property of *Spain* in these seas; they fish’d for
‘ wrecks, to which no subject of this nation could
‘ have any claim; and, notwithstanding express
‘ prohibitions from our court, committed every
‘ act of hostility. My Lords, it would have
‘ been unjust in the court of *Spain*, to have de-
‘ clared war against us for these practices, or to
‘ have demanded an adequate satisfaction from
‘ our crown. No ministry can undertake to deli-
‘ ver up the persons of such offenders, because
‘ they take care to keep out of the way; and it
‘ is as difficult to give an adequate satisfaction,
‘ for it is almost impossible to prove the damages,
‘ because, in such cases, one party is always sure
‘ to represent their losses greater, and the others
‘ less, than they really are. This, my Lords,
‘ is exactly the case betwixt *Spain* and us. We
‘ complain very justly of our losses, and they tell
‘ us that they will give us full satisfaction for
‘ those losses that we make appear; but that it is
‘ unreasonable to insist on full reparation for all
‘ the

‘ the damages that our subjects have sustained by
 ‘ theirs; and that too, without any other proof
 ‘ than the bare evidence of the sufferers them-
 ‘ selves. This, my Lords, is all that we can in
 ‘ justice exact; and, I believe, is more than ever
 ‘ was granted before in any such case. Besides,
 ‘ my Lords, if we consider the thing impartially,
 ‘ we shall find that we have no reason to com-
 ‘ plain; for, as the noble Lord who spoke first
 ‘ in this debate observ’d, their demands upon us
 ‘ were much greater than the sum stipulated for
 ‘ their satisfaction, and we are not obliged, by
 ‘ this convention, to pay them the fourth part.
 ‘ As to the reasons advanced by the noble Lord,
 ‘ against our making them any satisfaction at all
 ‘ for the ships taken in the *Mediterranean*, I
 ‘ think they are such as our commissaries could
 ‘ not properly judge of, because they were to act
 ‘ by treaties and positive stipulations, and to have
 ‘ no regard to particular incidents. Now, my
 ‘ Lords, as we are obliged by intermediate treaty,
 ‘ to give them satisfaction for these ships, if they
 ‘ were not actually delivered up, and as it is evi-
 ‘ dent they never were, our minister there had
 ‘ nothing to do but to consider how to make the
 ‘ best bargain he could. But, says the noble
 ‘ Lord, it was owing to the *Spaniards* themselves
 ‘ that the ships were not actually delivered to
 ‘ their commissaries. My Lords, I believe, if
 ‘ the ships had been worth the expence of carry-
 ‘ ing to *Spain*, they would not have refused them.
 ‘ But, my Lords, the truth of the matter is,
 ‘ that they were in so bad a condition, they were
 ‘ so miserably battered, and had been so ill taken
 ‘ care of when in our possession, that they were
 ‘ unfit for all service, and therefore carried out of
 ‘ the harbour and sunk in the sea. My Lords, it
 ‘ is very possible the *Spaniards* thought that we
 ‘ had industriously put them in such a condition,
 ‘ that

‘ that they might be disabled from all future service. Whether this was the case or not, is of no importance in the present question; I shall only take the liberty to say, that 60,000*l.* is a cheap price for the remains of all the naval power of *Spain*. If the ships had been in any condition of being refitted, they might have been soon of greater detriment to this nation, than all that sum, I don’t know what the present naval power of *Spain* is, but be it what it will, it has been all raised since the action in the *Mediterranean*, for in that action it was effectually ruin’d.

‘ As to the other articles of the convention, my Lords, which the noble Lord has objected to, I will be very free to own to your Lordships, that I have not examin’d them with the same attention as his Lordship has done; but I think his Lordship’s principal objection was, to our suffering the case of the ship’s sailing from *Antigua*, to be submitted to the determination of the plenipotentiaries. In answer to this, my Lords, I can only say, that if the case of this ship be as unexceptionable as his Lordship seems to think it is, the provision made by the convention, is sufficient to indemnify the owners. But, my Lords, it is very hard for us to pronounce, at this distance, what particular circumstances might have given rise to this stipulation. For though the *Spaniards* had most certainly no manner of right to seize any *British* ship in the latitude where that ship was seized, yet, my Lords, if, after the committing this unwarrantable act, they had full proofs from what appeared by the master’s papers, and the ship’s cargo, that this ship since she left *England*, had been concerned in an illicit trade, as nobody here can venture to say she had not, will your Lordships be of opinion that there did
‘ not

‘ not arise from this, at least, some ground for a
 ‘ future discussion? My Lords, I don’t assert that
 ‘ this is the fact, but it possibly may, and I think
 ‘ we ought not to form any sudden judgment of
 ‘ it, till we know the truth.

‘ But whatever may be in this, it is certain
 ‘ that every wise ministry, my Lords, will give
 ‘ give up a few points of less importance in order
 ‘ to secure the general interests; and in a nego-
 ‘ tiation of this nature, many such points occur:
 ‘ But I believe the ministry has managed with as
 ‘ much caution, and with as great tenderness to
 ‘ the interests of our merchants, as any ministry
 ‘ ever did.

‘ To conclude, my Lords, I think this address
 ‘ is but a bare acknowledgment of our duty and
 ‘ gratitude to his Majesty; if we agree to the
 ‘ motion, it will give a weight to our future ne-
 ‘ gotiations, and it never can be attended with any
 ‘ bad consequences, because the future security of
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The Duke of *Argyle* spoke next to the follow-
 ing effect:

‘ My Lords,

‘ As I neither speak from pamphlets nor pa-
 ‘ pers, I cannot precisely tell your Lordships
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‘ how long I shall trouble you on this occasion.
‘ It is an affair of as great importance, I will venture to say, as ever came before this house. I have, my Lords, imployed a great deal of time in endeavouring to form a right judgment of it. I have examined it without prejudice, I have endeavoured to find something in it that may be justified, I have viewed it, my Lords, in all the best lights it was capable of; but still, my Lords, the more I consider, the more I view it, the more disgraceful, the more deformed, does this convention appear.

‘ I have known, my Lords, I have read of measures of this kind that were, indeed, generally disliked by the people, and were disadvantageous to the nation; but still, my Lords, the ministers who carried on and concluded such measures, had something to say in their justification. The weakness of the nation, the conveniency of trade, the strength of our neighbours, or some consideration of that kind, was always pleaded as an excuse. And sometimes, though a treaty was in the main disagreeable, or dishonourable to the nation, yet there were certain particular clauses, some advantages stipulated, which, if they did not balance, served at least to excuse the rest. But, my Lords, this convention is not only disagreeable to every body without doors, but it does not contain one article that can be wrested to have so much as a favourable aspect for this nation. To what, my Lords, can this be owing? Is it owing to the weakness of the nation? Not at all; this nation is not weak; she has strength sufficient to crush that power that crushes her. If she is poor, my Lords, the government feels none of it; for our ministers are as largely supplied with treasure as those ministers were, under whom this nation made the power that now insults us,
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‘ for our ministers are as largely supplied with
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‘ this nation made the power that now insults us,
‘ to

' to tremble. Our troops, my Lords, are more
 ' numerous, better paid, better cloathed than
 ' those troops were, who once conquered this in-
 ' solent neighbour, and filled her throne with a
 ' monarch of our own making. I see many
 ' Lords here, who, I am sure, remember these
 ' glorious times; and if, my Lords, at that time
 ' any one had ventured to foretel that this nation
 ' would soon be reduced to the necessity of nego-
 ' tiating, for the space of eighteen or twenty
 ' years, to obtain such a treaty as this is, was
 ' there a man in the whole nation that would
 ' have believed him?

' Have our ministry, my Lords, ought to
 ' plead in favour of this measure, because it is for
 ' the convenience of trade? My Lords, every
 ' body, who understands what trade is, knows,
 ' that if this convention is approved of by Par-
 ' liament, our trade must be irretrievably ruined.

' Can it be pleaded, my Lords, that our ene-
 ' mies are so strong that we ought, in policy,
 ' to yield a little to their humours? No, our ene-
 ' mies are weak, they are strong only in our fears.
 ' We, my Lords, are masters of that element
 ' whereon the cause must be decided; and let all
 ' our enemies, either professed or secret, nay, let
 ' all the neutral powers in *Europe* unite their naval
 ' force, we have a fleet now at sea that is able to
 ' beat them all. But, my Lords, do we behave
 ' as if we had any such superiority? Have we so
 ' much as asserted the honour of the *British* flag?
 ' Have we not tamely given it up, given it up
 ' without the least reason, so far as appears to the
 ' world? What the reasons of our ministers may
 ' be, my Lords, for this pusillanimity, I am en-
 ' tirely ignorant; and as I am ignorant, I am in-
 ' nocent: For, my Lords, though I am a privy
 ' counsellor, I am as unacquainted with the se-
 ' crets

* crets of the government as any private gentle-
* man who hears me.

‘ I remember, my Lords, a very good saying
‘ of a noble Lord, who once sat in this house, it
‘ was the late Lord *Peterborough*: When he was
‘ asked by a friend, one day, his opinion of a cer-
‘ tain measure; says my Lord, in some surprize,
“ This is the first time I ever heard of it. Im-
“ possible (says the other) why you are a privy
“ counsellor. So am I (replies his Lordship) and
“ there is a cabinet counsellor coming up to us just
“ now; if you ask the same question of him, he’ll
“ perhaps hold his peace, and then you’ll think
“ he is in the secret; but if he opens once his
“ mouth about it, you’ll find he knows as little
“ of it as I do.” My Lords, it is not being in
‘ privy council, or in cabinet council, one must be
‘ in the minister’s council to know the true mo-
‘ tives of our late proceedings. For my own part,
‘ my Lords, I can only guess at them, but I have
‘ disapproved of them these eighteen years; I have
‘ disapproved of them in publick, in private, and
‘ in all companies. Therefore, my Lords, what
‘ I speak upon this occasion, I speak it as a citizen
‘ of the world, and not as a privy counsellor. I
‘ speak the language of an honest and unprejudiced
‘ heart, and what I can answer for to my King,
‘ my country, and my God.

‘ So far, my Lords, as I can judge from the
‘ tenour of our late behaviour, our dread of *France*
‘ has been the spring of all our weak and ruinous
‘ measures. To this dread, my Lords, we have
‘ sacrificed the most distinguishing honours of this
‘ nation. This dread of *France*, my Lords, has
‘ chang’d every maxim of right government a-
‘ mongst us. There is no measure for the advan-
‘ tage of this nation that has been set on foot for
‘ these many years, to which she has not given a
‘ negative; there is no measure so much to our
‘ detriment.

' detriment, into which she has not led us. Your
 ' Lordships may remember, for it happen'd but a
 ' few years ago, that a *French* ship came into one
 ' of our harbours with all her sails up, and her
 ' pendants flying; and an *English* officer, who was
 ' but a lieutenant of one of our men of war, fir'd
 ' at her to make her salute his Majesty's ship.
 ' Your Lordships, I am sure, have not forgot
 ' what was the consequence: The lieutenant, for
 ' barely doing his duty, and which if he had not
 ' done, he must have been broke, was discharged
 ' the service. It is true, my Lords, he was after-
 ' wards preferred, but not before we, in order to
 ' gratify that haughty court, had submitted to the
 ' infamy of breaking him.

' Here, my Lords, was an instance wherein
 ' *Great Britain* gave up the point of which she
 ' always has been, and always ought to be, the
 ' most jealous; I mean the honour of her *flag*:
 ' And not only so, my Lords, but punished a
 ' brave officer for doing his duty in our own har-
 ' bour. He, my Lords, had no discretionary
 ' power, he acted in absence of his captain, he
 ' acted by sea rules; and yet these rules were bro-
 ' ken through in order to pacify that court. Why,
 ' my Lords, should our ministers shew so much
 ' complaisance to other nations, and bear so little
 ' affection to their own?

' But, my Lords, it is not punctilio and form,
 ' only, that we give up to *France*; I am afraid we
 ' sacrifice more substantial points to please her. I
 ' am afraid, my Lords, the convention is a *French*
 ' measure. For I can never be persuaded that our
 ' fear of ought, that can possibly happen to us
 ' from *Spain*, cou'd induce us to agree to this
 ' thing, you call a convention. It is the interest
 ' of *France*, that our navigation and commerce
 ' shou'd be ruin'd; we are the only people in the
 ' world, whom they have reason to be apprehen-

‘ five of in *America*; and every advantage that
‘ *Spain* gains in point of commerce, is gain’d for
‘ her. Therefore, my Lords, we are not at all
‘ to be surprized, if she takes great pains to bring
‘ about a measure of this kind. But, my Lords,
‘ they look’d upon their work as but half done,
‘ when this measure was concluded; it must be
‘ ratified too, in order to put the Parliament under
‘ greater difficultiès in censuring it. Accordingly
‘ because, it seems, the slowness of the *Spaniards*
‘ cou’d not be brought to sign it time enough to
‘ get it ratified before the meeting of the Parlia-
‘ ment, the session was put off for fourteen days.
‘ This brings his Majesty’s name and authority in-
‘ to the question; for they thought that a great
‘ many might be dissatisfied with a bad treaty con-
‘ cluded by the minister, who would put up with
‘ it, if confirmed by the King. But, my Lords,
‘ the treaty was of the minister’s making, and if
‘ ministers make bad treaties, they shou’d answer
‘ for them. Our law has most excellently esta-
‘ blished it as a maxim, That the King can do no
‘ wrong. The reason of this, my Lords, is plain,
‘ because the constitution has provided a proper
‘ council, who shall advise with the King, as to
‘ the executive part of government: And it is, my
‘ Lords, always to be supposed that the persons,
‘ who compose that council, are well skilled in the
‘ laws, the constitution, and the interests of their
‘ country. Therefore, my Lords, if any wrong is
‘ done in the government, it is presumed to be
‘ done by those who advise the King. It is true,
‘ the nature of our constitution requires, that pub-
‘ lick acts should be issued out in his Majesty’s
‘ name; but, for all that, my Lords, he is not the
‘ author of them. Therefore the publication of
‘ this treaty in his name ought not to indemnify
‘ the authors, or to make us swallow what we can
‘ never digest.

‘ The approbation of this treaty is brought in
 ‘ by way of an address of thanks to the crown,
 ‘ and is, it seems, no more than a compliment to
 ‘ his Majesty. A compliment, for what, my
 ‘ Lords? For making this convention? His Ma-
 ‘ jesty did not make it, the ministry made it. This
 ‘ address, therefore, will tell the world that we
 ‘ return thanks to the minister for this convention,
 ‘ which gives up the security of our trade, and
 ‘ puts us in the power of our natural and heredi-
 ‘ tary enemies. — Let who will approve of such a
 ‘ measure, I never will; I’ll die first.

‘ The noble Lords, who have spoken for this
 ‘ address, appear to have studied the point. It is
 ‘ no easy matter for one, who speaks occasionally,
 ‘ to answer them. My Lords, I don’t trouble
 ‘ myself about little niceties and distinctions; about
 ‘ a right, and the exercise of a right. For what
 ‘ end do we enjoy a right, if we cannot exercise it?
 ‘ Do we pretend to hinder the *Spaniards* from
 ‘ searching our ships, when found in their ports or
 ‘ harbours, which is the utmost they can claim by
 ‘ treaty? My Lords, we don’t. Do the *Spaniards*
 ‘ suffer us to exercise that our natural and undoubt-
 ‘ ed right of sailing unmolested on the open seas?
 ‘ No, my Lords, they don’t: So that the question
 ‘ is not about a right, or the manner in which a
 ‘ right is exercised, but betwixt an unreasonable
 ‘ claim, and an undoubted privilege, betwixt an
 ‘ oppressive usurpation, and a lawful title. There
 ‘ is, indeed, another part of the doctrine preached
 ‘ by the reverend Prelate, which admits of a very
 ‘ wide difference, though his Lordship has been
 ‘ pleased entirely to suppress it; and that is, the
 ‘ difference betwixt a visit and a search. Visiting
 ‘ a ship, my Lords, is, when a ship of any force
 ‘ accosts a trading ship of another nation, and sends
 ‘ five or six persons at most in a long-boat, in order
 ‘ to visit her; that is to say, to enquire whence she

‘ is

‘ is come, whither bound, what she has on board,
‘ and how long she has been at sea. To all these
‘ the master must give explicit answers. And if
‘ the captain of the visiting ship still doubts, he
‘ may call for his ship’s papers, and bills of lading;
‘ but has no right to insist any further. If he
‘ does, my Lords, he commits an act of piracy.
‘ A search, on the other hand, is a rummaging the
‘ cargo with an intention to confiscate; and this,
‘ my Lords, is what no treaty betwixt *Spain* and
‘ us subjects our ships to. This, my Lords, is
‘ what no nation in *Europe* will suffer from ano-
‘ ther, and we ought least of all, especially from
‘ the *Spaniards*. It is shameful that we have suf-
‘ fered it so long. If we suffer our seamen to be
‘ insulted or interrupted, we give up the honour of
‘ the nation, we give up all that formerly gave us
‘ success, conquest, and glory.

‘ People, my Lords, talk of *Cromwell*, that he
‘ was an usurper: I don’t deny that; but he still
‘ had many valuable qualities, and wanted nothing
‘ but a lawful title to have made him one of the
‘ greatest men that ever governed this nation.
‘ He, my Lords, had one maxim from which he
‘ never deviated; and that was, never to suffer
‘ even the appearance of an insult upon this nation
‘ to pass unobserved. Notwithstanding, my Lords,
‘ his disputed title to the government, a formida-
‘ ble opposition at home, and powerful alliances
‘ against him abroad, he kept up the dignity of
‘ the sovereignty, and carried the reputation of
‘ the *British* flag to as great a height as ever it has
‘ been carried. He, my Lords, had to do with
‘ three powerful states, *France*, *Holland*, and *Spain*;
‘ each of them more powerful than they are now:
‘ But, my Lords, he never entered into any inglo-
‘ rious treaty, he never submitted to any ignomi-
‘ nious terms.

‘ He told them what he was resolved to have,
 ‘ and what he would do, if he had it not. This
 ‘ positive way of proceeding, my Lords, effected
 ‘ all the nation could desire, for we don’t find in
 ‘ history, that any power was so bold as to slight
 ‘ his menaces; they knew him too well to take
 ‘ him for a bully; he never fitted out any arma-
 ‘ ments, either by sea or land, with which he did
 ‘ not strike some decisive stroke. I will tell you,
 ‘ my Lords, one instance: When the *Spaniards*
 ‘ fitted out a fleet to conquer an isle in the *Medi-*
 ‘ *terranean*, for want of provisions of their own,
 ‘ they seiz’d upon corn that belonged to a *British*
 ‘ subject, to the value of 30,000*l.* On our con-
 ‘ sul’s remonstrating against such a procedure,
 ‘ they clapp’d him in prison. What did *Cromwell*
 ‘ do upon this? Did he send plenipotentiaries, at
 ‘ a great expence to the nation, to examine into
 ‘ the nature of the complaints on both sides?
 ‘ Did he patch up a convention for regulating the
 ‘ grievance? No; he ordered his resident at that
 ‘ court to tell them in plain terms, that he gave
 ‘ them so many days to consider, if they would
 ‘ make him satisfaction (upon the terms, my
 ‘ Lords, which he himself prescribed) and if
 ‘ they did not, in the time limited, that he would
 ‘ come with his squadron and demand it, upon
 ‘ their coasts, from the mouth of his cannon.
 ‘ This blunt speech had its desired effect; the
 ‘ *Spaniards* knew whom they had to deal with;
 ‘ therefore they did not treat, but submit.

‘ Supposing, my Lords, we had acted with
 ‘ the same spirit, don’t your Lordships think it
 ‘ would have had the same effect? And why did
 ‘ we not act with the same spirit? We are more
 ‘ powerful now, than we were in the days of
 ‘ *Cromwell*. The *Spaniards* are weaker, and our
 ‘ provocations are much greater now, than they
 ‘ were at that time. What insults, what barba-
 ‘ rities,

' rities, what breaches of faith have not the
 ' *Spaniards* committed of late? They have plun-
 ' dered our merchants, they have destroyed
 ' our ships, they have murdered our sailors; nay,
 ' what is more insufferable, they have chain'd,
 ' they have tortured our countrymen: A method
 ' of punishment this nation has ever detested; a
 ' barbarity, which even our worst malefactors are
 ' free from, by undergoing a punishment in all
 ' respects more desirable, that is, death itself.
 ' My Lords, it will astonish posterity, that we
 ' have suffered all these indignities, while we have
 ' a fleet able to defy not only *Spain* and *France*,
 ' as I said before, but all the nations in *Eu-*
 ' *rope*.

' It's said, my Lords, that we may want other
 ' forces to carry on this war to advantage. It is
 ' very possible, we may; but has the Parliament
 ' ever yet refused to comply with any demand of
 ' that kind, when land forces, my Lords, were
 ' necessary? I dare say, the Parliament would al-
 ' low 100,000 men, if there was occasion for
 ' them. But the misfortune is, my Lords, that
 ' the nation, I am afraid, will not be persuaded,
 ' even though these were raised, that we are in
 ' earnest: People will think that our land army
 ' will continue as unactive as our fleets have hi-
 ' therto been; and that our raising forces before
 ' we shew that we dare to do ourselves justice,
 ' will but expose the nation to greater inconve-
 ' niencies, and inance its expences.

' Last year, a strong squadron was sent to the
 ' *Mediterranean*, under the command of a gen-
 ' tleman, against whom, I am sure, no body can
 ' have any exception. I know him to be a brave
 ' officer, and that he has the interest of his coun-
 ' try much at heart. But, my Lords, of what
 ' use are all these qualifications to the nation, if
 ' his guns are muzzled, if his hands are bound

‘ up by his instructions from the ministry? What
 ‘ service have the ships under his command per-
 ‘ formed to his country? What ends have the
 ‘ vast sums of money we have expended, served,
 ‘ if not to weaken us while we are inactive; so
 ‘ that we shall not be able to furnish the necessa-
 ‘ ry expences when we shall come to action?
 ‘ What plea then, my Lords, can there be for
 ‘ not declaring war? Is it to avoid the profusion
 ‘ of money? Money, my Lords, we daily ex-
 ‘ pend to extravagant and useless purposes. Is it
 ‘ to avoid the profusion of blood? No: You
 ‘ have suffered your own sailors to be daily in-
 ‘ sulted and murdered. My Lords, it is time
 ‘ enough for us to shew our tenderness to *Spain*,
 ‘ when we have revenged the wounds given to
 ‘ the honour of *Great Britain*.

‘ My Lords, as I did not propose, and as I
 ‘ find myself incapable, especially on this occa-
 ‘ sion, to speak, in order, to every thing that
 ‘ has been suggested in this debate, I shall take
 ‘ them just as they come in my mind. The dif-
 ‘ ferences betwixt *Spain* and us are not of such a
 ‘ nature as to affect only one set of men amongst
 ‘ us. It is not our *West-India* merchants, my
 ‘ Lords, alone, that must suffer, should we ap-
 ‘ prove of this convention. Give me leave to
 ‘ say, that there is not a merchant, of whatever
 ‘ denomination in this kingdom, there is not a
 ‘ shop-keeper, there is not a house-keeper, there
 ‘ is not a tradesman, nay, there is not a landed
 ‘ gentleman in the kingdom whom it will not af-
 ‘ fect. Consider, my Lords, that the balance of
 ‘ our trade to almost all other places in the world,
 ‘ except our own settlements, is against us. But
 ‘ a noble Lord has, I think, demonstrated, that
 ‘ if we approve of this convention, we leave our
 ‘ trade and settlements in the *West-Indies*, en-
 ‘ tirely to the mercy of *Spain*. What resource

‘ can

‘ can we then have for supplying the nation with
‘ those necessaries of life, which we now import
‘ from our own settlements, and which, if they
‘ are ruined, we must have from other nations,
‘ in what manner, and upon what terms they
‘ please? Therefore, my Lords, it is no wonder,
‘ if all ranks, and all degrees of men turn their
‘ eyes upon your Lordships at this important
‘ juncture. If, I say, they look on their all as
‘ being at stake, if they have express’d some im-
‘ patience under the apprehensions of its being
‘ given up, I do not wonder at it. The reverend
‘ Prelate said, that the advocates for the oppo-
‘ sition, had great advantages over those for
‘ the ministry, by means of certain sounds and
‘ words. My Lords, I am afraid there is some-
‘ thing, in this case, more than bare sounds and
‘ words. I’m afraid the real things themselves
‘ are in danger, and that the liberties and interests
‘ of this nation must suffer, if your Lordships
‘ should approve of this measure. My Lords, I
‘ have formerly known the people spirited up by
‘ artful, or hot-headed men against the govern-
‘ ment, and I have known them commit very
‘ great excesses; but, my Lords, I always observed,
‘ that these excesses were committed by the very
‘ dregs of the people, who neither knew what
‘ they were about, nor what they wanted. I ob-
‘ serve a quite different spirit at this time. The
‘ spirit of opposition that now prevails, my
‘ Lords, is among your cool-headed men, men
‘ of weight and interest in their several stations,
‘ who pay largely towards the support of the
‘ government, and therefore think it a hardship
‘ to suffer by any publick measure. My Lords,
‘ though I had no manner of knowledge of the
‘ nature of this convention, though I were quite
‘ ignorant of all the transactions that preceded it,
‘ yet this very circumstance would determine me

‘ to suspect, if not oppose it. When I see men
 ‘ of figure in their way, crying out against it,
 ‘ when I see the greatest city in the kingdom pe-
 ‘ tition against it, what should make them such
 ‘ zealous opposers, but their being persuaded that
 ‘ a peace, on the foot of this convention, must
 ‘ be more destructive to their interests, than a vi-
 ‘ gorous war? Their interests, my Lords, lead
 ‘ them to desire peace, they must be considerable
 ‘ sufferers in a war, by their ships being taken,
 ‘ the increase of the taxes, and the stagnation of
 ‘ their trade: But still, my Lords, we see, that
 ‘ they look upon all these evils as more tolerable,
 ‘ than such a peace as this convention must give
 ‘ them.

‘ It is certain, my Lords, that the peace we
 ‘ have lately enjoyed is not very desirable, we
 ‘ have paid dearly for it; nay, I believe it has
 ‘ cost the nation more to make peace, than it
 ‘ would have done to have made war. But, says a
 ‘ noble Lord, the *Spaniards* are very slow; give
 ‘ me leave to add, my Lords, they are very ob-
 ‘ stinate too. But why are we to pay for their
 ‘ slowness and obstinacy? Are we to fit out fleets,
 ‘ at a vast expence to the nation, only to quicken
 ‘ them to do, what equity, what the law of na-
 ‘ tions, and what positive treaties require them to
 ‘ do? But, my Lords, the worst is, that we
 ‘ have not even obtained that: We have only
 ‘ brought them to negotiate, and to give us a
 ‘ treaty where not one of these considerations has
 ‘ been regarded. This, it seems, proceeds from
 ‘ their obstinacy; why then have they not been
 ‘ made to pay for their obstinacy? Why should
 ‘ we pay for it? If they had a mind to be obsti-
 ‘ nate again, and to refuse to fulfil even the terms
 ‘ of this poor treaty, are we to be again at the
 ‘ expence of 5 or 600,000*l.* only to bring them
 ‘ into good humour?

‘ My

‘ My Lords, when I first heard this treaty
‘ read, I thought it set out with a very bad air:
‘ The preamble begins, *Whereas differences have*
‘ *arisen*; it does not say, justly or unjustly. But
‘ what differences, my Lords? That word al-
‘ ways implies a disagreement of opinion, be-
‘ twixt two parties, with at least a shew of rea-
‘ son, and an appearance of equal provocation on
‘ each side. But, my Lords, is that the case be-
‘ twixt us and *Spain*? Has she been able to justifi-
‘ fy her depredations, either by the law of na-
‘ tions, or tenor of treaties? No; the noble
‘ Lord, and the reverend Prelate who spoke so
‘ fully in her vindication, has not, I think, given
‘ us an instance of a legal capture of one ship,
‘ among all the numerous instances complained of,
‘ even admitting that they have a right to search
‘ in the manner the reverend Prelate has pleaded
‘ for. I must therefore confess, I was very much
‘ surprized to hear a noble Lord explain the pre-
‘ amble to this treaty, in the manner he did, as a
‘ proof of the willingness of the court of *Spain*
‘ to adjust all differences betwixt us and them, on
‘ an equal footing. Had we taken as many ships
‘ from the *Spaniards*, as they have done from us,
‘ I should have had no objection to this pream-
‘ ble; but, as it stands, it puts the two nations
‘ upon an equality of losses, though one has been
‘ the constant aggressor, the other the perpetual
‘ sufferer.

‘ The other particulars of this convention have
‘ been already so fully spoken to, that I think it
‘ unnecessary for me to add any thing more on
‘ those heads; but, my Lords, I cannot help
‘ taking notice of what happened just before the
‘ ratification of this convention, when we find
‘ the court of *Spain* prescribing to us, and our
‘ plenipotentiary obeying a *Spanish* minister, as he
‘ would have done a *British* one. The *Spaniards*,
‘ it

‘ it seems, could not be brought to any terms,
 ‘ till the sitting of Parliament approached so near,
 ‘ that they were sure, our ministry would give up
 ‘ every point of consequence, rather than not
 ‘ have a treaty of some kind or other, to lay be-
 ‘ fore Parliament, when it met. My Lords, de-
 ‘ lay in such an affair as this, is equal to a point-
 ‘ blank refusal. Yet, we find, by the letters
 ‘ now upon your Lordships table, that after a
 ‘ plan of accommodation was drawn up by our
 ‘ ministers, and every thing looked upon as finish-
 ‘ ed, the *Spanish* minister very rightly apprehend-
 ‘ ed, that they who would grant so much, would
 ‘ grant more. Upon which, a new claim is
 ‘ started, and they refuse to ratify what they had
 ‘ before agreed to, till Mr. *Keene* had, as minister
 ‘ of *Great Britain*, acknowledged a debt to be
 ‘ due, which, in that capacity, he had no power
 ‘ to acknowledge, and in the capacity of agent
 ‘ for the *South-Sea* company, he ought absolutely
 ‘ to have disclaimed. My Lords, this way of
 ‘ proceeding proves plainly, that he has scan-
 ‘ dalously betrayed the interest of that company.
 ‘ He has sacrificed them to the injustice and exor-
 ‘ bitancy of the court of *Spain*; and put them
 ‘ upon the hard dilemma, either of paying a
 ‘ large sum on no pretence, or of being the bone
 ‘ of contention betwixt the two nations.

‘ But, my Lords, that company has no greater
 ‘ reason to complain of her agent, than the nation
 ‘ has of her ministers. Compare the dates of the
 ‘ consul of *Cales*’s letters, with the time of near a
 ‘ hundred *Englishmen* being barbarously imprisoned
 ‘ and chained in that city, for no other reason but
 ‘ because they were *Englishmen*; and you will
 ‘ find, my Lords, that these dates exactly agree.
 ‘ The inhumanity was taken notice of by all the
 ‘ world, except by that consul himself. He ob-
 ‘ serves a profound silence on this head, though
 ‘ his

‘ his letters wrote at that time are very full and
‘ explicit upon other points. My Lords, what
‘ can we think of this behaviour? That a *British*
‘ consul should, with the greatest unconcern ima-
‘ ginable, see his countrymen daily labouring un-
‘ der confinement, chains, and insults? Does not
‘ this imply that the *Spanish* ministers and ours
‘ understood one another? Does it not imply
‘ some under-hand dealing, some secret collusion,
‘ in order to avoid a war?

‘ I confess, my Lords, had I been a minister,
‘ I would not have given my advice to run precipi-
‘ tately into bloody measures; but I would
‘ have endeavoured to have taken more prudent
‘ steps, than what I am afraid have been followed.
‘ It is true, my Lords, that a war, if it can be
‘ avoided with honour, especially with *Spain*, is
‘ not for the interest of this nation; and that
‘ cautious proceedings are the best means of esta-
‘ blishing his Majesty, and his Royal Family on
‘ the throne of this kingdom. But, my Lords,
‘ though I am for caution, I am not for pusilla-
‘ nimity. That may bring the nation into con-
‘ tempt, and this nation never can be brought
‘ into contempt, without weakening the Royal
‘ Authority. I know, that the fear of the Pre-
‘ tender has a mighty influence with a great many,
‘ who talk upon this subject. But, my Lords, I
‘ am of opinion, that our going on in the same
‘ measures we have done for some time past, will
‘ be playing the Pretender’s game for him. I am
‘ sure his Majesty has the hearts of the people,
‘ and can command their hands too. But a per-
‘ severance in these measures will divide us among
‘ ourselves; and, my Lords, if we are divided,
‘ we must be weaker, and give the enemies of
‘ the present happy establishment, a better chance
‘ of succeeding. For my own part, my Lords,
‘ I believe nobody doubts of my zeal for the
‘ continuance

‘ continuance of the crown upon his Majesty’s
‘ head, and his Family ; I have formerly strenu-
‘ ously asserted the rights of this Family, and as I
‘ have done it on more than one occasion, it is
‘ the more unquestionable. But, my Lords, it is
‘ not my duty alone that begets this attachment ;
‘ my inclination is as strong as my duty. The
‘ knowledge I have of his Majesty’s personal vir-
‘ tues, makes it the happiness and glory of every
‘ subject to serve him. I know, that he is as strong-
‘ ly attached to the interests of his subjects, as any
‘ Prince who ever sat upon the throne. But,
‘ my Lords, the best, the wisest, and most dis-
‘ cerning Princes, must see many of their most
‘ important affairs in the light their ministers re-
‘ present them : If the ministers misrepresent
‘ them, they, my Lords, and not the Prince, are to
‘ blame. Had not his present Majesty been misled
‘ in this particular, sure I am, that he would have
‘ vigorously asserted the rights and privileges of
‘ his people, as the greatest of his predecessors ever
‘ did. He, my Lords, would have imitated the
‘ example of that great Prince, King *Edward* III.
‘ to whom he may, in many other respects, be
‘ so justly compared. And now I have mention-
‘ ed that great Prince, I beg leave to suggest to
‘ your Lordships, in what manner he would have
‘ behaved. The difficulties he had to struggle
‘ with, from a weak administration in his mino-
‘ rity, were very great. The kingdom, my
‘ Lords, was then governed by a faction com-
‘ posed of a few favourites about the person of
‘ the Queen-mother ; who chose to buy a scan-
‘ dalous peace of the *North Britons*, a people,
‘ my Lords, that never abounded over-much
‘ in riches, and who were very glad to finger
‘ a little of the ready money of this nation.
‘ What did the King do, my Lords ? Young as
‘ he was, he had the minion, the minister, who
‘ advised

‘ advised that scandalous peace, seized ; he had
‘ him tried, and hanged. Let us consult history
‘ further, my Lords ; let us consider the beha-
‘ viour of King *Edward IV.* in an instance of a
‘ similar nature. Did he bear with the injuries
‘ *France* offered to the nation ? No ; he had re-
‘ course to arms ; and as his cause was just, his sol-
‘ diers were victorious. The reign of Queen *Eli-*
‘ *zabeth*, the most glorious perhaps in all the *Bri-*
‘ *tish* annals, was always successful, because it
‘ was conducted by a wise and prudent admi-
‘ nistration. She neither governed by affection,
‘ nor by a minister ; for though *Burleigh* was
‘ styled prime minister, yet he was only so in
‘ name. He had, indeed, a greater share of bu-
‘ siness and greater fatigue, than any of the rest ;
‘ but, the affairs of the government were never
‘ left to him alone. Commissaries were always
‘ appointed, upon every urgent crisis of affairs ;
‘ and the administration was composed of many,
‘ who, though they bore the utmost animosity
‘ against him in their private capacity, yet all
‘ united in the common cause ; they laid aside all
‘ other considerations, when the interests of their
‘ Mistress were concerned ; when the honour of
‘ the nation was at stake. They strenuously en-
‘ tered into warlike measures, rather than suffer
‘ any insults ; and as their cause was founded on
‘ equity, success attended their arms.

‘ To conclude, I entirely concur with the noble
‘ Lord, who first spoke against the address. If it
‘ be presented, the event will be dangerous, the
‘ consequence fatal. Many other instances I might
‘ produce from history, to justify my assertions ;
‘ but as I have already taken up too much of your
‘ time, I will only say — these sentiments proceed
‘ from an honest and impartial heart.’

The

The next that spoke was the Lord Chancellor, the purport of whose speech was as follows:

Lord Chancellor's
speech.

‘ My Lords,

‘ The address now proposed to you, is so agreeable to the resolutions you came to last session of Parliament, upon the depredations that had been committed by *Spain*; and it is so natural a consequence of the address you presented to his Majesty upon that occasion, and of the measures his Majesty has since taken in pursuance of that address, that when I first heard it proposed, I did not expect it would have met with the least opposition. By the resolutions you came to last session of Parliament, you asserted the right which the people of this nation have to a free navigation in the open seas of *America*; and you declared, that many unjust seizures had been made, and great depredations committed, by the *Spaniards*, to the great loss and damage of the subjects of *Great Britain* trading to *America*, and in direct violation of the treaties subsisting between the two crowns. This was the sum of your resolutions, and in consequence of these resolutions, you addressed his Majesty to use his endeavours with his Catholick Majesty, to obtain effectual relief for his injured subjects, and security for our navigation and commerce in time to come; and at the same time you assured his Majesty, that in case his royal and friendly instances should not prevail, you would effectually support his Majesty in taking such measures, as honour and justice should render necessary.

‘ From hence, my Lords, it appears to have been the opinion of this house last session of Parliament, that we had then no occasion to come to an immediate rupture with *Spain*; but that his Majesty should first try what he could do by
‘ peaceable

‘ peaceable means, for obtaining reparation for past
‘ injuries, and security against any such for the fu-
‘ ture. Accordingly his Majesty did, in pursuance
‘ of this advice from his Parliament, renew his
‘ negotiations with the court of *Spain*, and to give
‘ his negotiations their proper weight, he fitted out
‘ such squadrons as were sufficient for protecting
‘ the trade, and vindicating the honour of this na-
‘ tion by force of arms, in case that court had re-
‘ fused, or unreasonably delay’d hearkning to those
‘ friendly instances, that were made to them by
‘ his Majesty.

‘ This, my Lords, we now find has had the
‘ desired effect. From the preparations that were
‘ made here at home, and the squadrons that were
‘ fitted out, *Spain* saw that we were in earnest, that
‘ his Majesty was resolved not to be any longer
‘ trifled with, and therefore they began seriously
‘ to consider the consequences of an open rupture.
‘ These consequences they had reason to be afraid
‘ of, they were afraid of them, and by their fears
‘ they were induced, I may say compelled, to give
‘ ear to the friendly instances that were made to
‘ them, and to acknowledge the injuries they had
‘ done, by promising to make as ample a satisfac-
‘ tion as we could reasonably insist on. I say, my
‘ Lords, as ample a satisfaction as we could reason-
‘ ably insist on; for surely, if we expected satis-
‘ faction from them, it was but reasonable that we
‘ should allow them satisfaction for all the just
‘ claims they had upon us. According to this,
‘ which is certainly the just, and the only reason-
‘ able way of reckoning, in every case where there
‘ are mutual demands, the stipulated payment,
‘ which they have agreed to make in four months
‘ after the ratification of the treaty, is a full repa-
‘ ration for all the demands we had to make upon
‘ them, allowing a reasonable discount for prompt
‘ payment. For even according to the account
‘ stated

' stated by our own commissaries, the claim of our
 ' merchants did not, at a moderate computation,
 ' amount to above 200,000*l.* and the claims they
 ' had upon us, were allowed to amount at least to
 ' 60,000*l.* which reduced the sum due by them
 ' to us to 140,000*l.* for the prompt payment of
 ' which, we have allowed them 45,000*l.* which
 ' is but a reasonable allowance, considering the de-
 ' lays we might have met with, if we had accept-
 ' ed of assignments upon his Catholick Majesty's
 ' revenues in *New Spain*: Allowing therefore of
 ' this discount, it reduces the 140,000*l.* which is
 ' all we could pretend to be due, to the sum of
 ' 95,000*l.* which sum they have, by this conven-
 ' tion, expressly promised to pay here at *London*,
 ' within four months after the ratification; and
 ' that, without delaying the payment of the said
 ' sum, on account of any restitution that has been
 ' made, in consequence of his Catholick Majesty's
 ' orders, of the whole, or any part of the value
 ' of the ships mentioned in the 4th article.

' Thus, my Lords, we may see, that by this
 ' convention his Majesty has obtained one of the
 ' chief things recommended to him by his Parlia-
 ' ment last session; and as this has been obtained
 ' without involving the nation in a war, we have
 ' the more reason to thank his Majesty for the
 ' tender regard he has had, not only for those of
 ' his subjects that have already suffered by the *Spa-*
 ' *nish* depredations, but for all his subjects; because
 ' it is certain they would all have greatly suffered,
 ' if he had rashly and unadvisedly involved the
 ' nation in a dangerous and expensive war. But
 ' with respect to our future security, as it depends
 ' upon disputes, which it was impossible to enquire
 ' into fully, and determine absolutely, without a
 ' very mature deliberation, therefore, from the ve-
 ' ry nature of the thing, we could not expect, nor
 ' could his Majesty with any show of reason insist

2

' upon

upon its being explicitly provided for by a preliminary convention; however, his Majesty has taken so great care of the future security of our navigation and commerce, that he has got the *Spanish* court to agree, by this convention, to submit all the disputes that now subsist between the two nations, to the discussion of plenipotentiaries, to be named respectively by the two crowns; and that no chicaning delays may be made use of on the part of *Spain*, it is expressly provided, that the plenipotentiaries so named shall begin their conferences six weeks after the exchange of the ratifications, and shall finish them within the space of eight months.

This was, in my opinion, my Lords, all that it was possible to do by a preliminary convention; with regard to the other disputes that now subsist between us and *Spain*; but though the final determination of those disputes be deferred for a short time, though we have submitted them to the discussion of plenipotentiaries, yet by such delay and submission, we are so far from having acknowledged any of our undoubted rights to be disputable, as has been groundlessly insinuated, that the *Spaniards* have, in some measure, given up that right which is the principal one in dispute between the two nations. They pretended to a right to search our ships in the seas of *America*, in order to see whether they had been concerned in an illicit trade, and to seize and confiscate ship and cargo, in case it appeared that they had been concerned in such a trade, by their having what they call contraband goods on board. They have by this convention agreed to make good to us the damages we have sustained by their exercise of such a pretended right. They have agreed to pay us costs; and is not this a direct acknowledgment that they have been in the wrong? This is at least a tacit acknowledg-

ment, that they now think they had no just claim to the right they have so long pretended to; and this, I think, is a certain sign, that by the definitive treaty, which is to be concluded, in pursuance of this preliminary convention, they will make no scruple to give it up in the most express terms we can desire.

But, my Lords, with regard to the present disputes between the *Spaniards* and us, I find people have generally fallen into a very great mistake, by not distinguishing properly between a right and the enjoyment of that right. We have a right to a free navigation in the *American* seas, and to carry on what commerce we think fit between our own colonies and *Great Britain*, or between any one of our own colonies and another: This is a right which the *Spaniards* never pretended to dispute with us. On the other hand, they have a right to prevent the carrying on of any contraband trade with their settlements in *America*; which is a right we never pretended to dispute with them. The chief dispute between us, is about the enjoyment of our respective rights. They do not dispute our right to a free navigation in the *American* seas; but the question between us is, how we shall enjoy that right, so as not to prejudice their right to prevent a contraband trade's being carried on with their settlements in that part of the world: Nor do we dispute their right to prevent such a contraband trade; but the question is, how they shall enjoy that right, so as not to prejudice our right to a free navigation. This is the chief dispute now subsisting between the two nations; this must be regulated before peace and friendship can be fully restored; and this could not be done in a short time, or by a preliminary convention. The affair must be fully examined and maturely considered, in order to contrive and mutually set-

‘ tle such regulations as may not be prejudicial to
‘ either. For this reason it was referred by both
‘ to be enquired into and regulated by plenipoten-
‘ tiaries: But what are these plenipotentaries to
‘ regulate? Not the rights of either nation; but
‘ only the methods by which each nation is to en-
‘ joy its respective right for the future.

‘ My Lords, if we would but consider our own
‘ case, I am persuaded we would look upon this
‘ as an affair not quite so easy to be settled as some
‘ people imagine. We pretend to a right, and we
‘ certainly have a right, to prevent any goods from
‘ being clandestinely run into this island, or into
‘ any of our dominions. We pretend to a right,
‘ and we certainly have a right, to prevent the
‘ exportation of our wool. On the other hand,
‘ the *Dutch*, the *French*, and all other nations,
‘ have a right to sail with their ships along our
‘ coasts, and even through the *British* channel.
‘ As long as they give us the honour of the flag,
‘ and abstain from all clandestine and prohibited
‘ trade, we have no right to interrupt them; yet
‘ every one knows, that our guard-ships and cus-
‘ tom-house sloops often stop them in their voyage
‘ in order to examine, whether they have been
‘ concerned in any clandestine trade, such as the
‘ exporting of wool, or running any prohibited or
‘ uncustomed goods. Nay, we have gone so far
‘ as to make laws against ships that shall be found
‘ hovering *within two leagues* of our coast; and
‘ particularly, by a law passed but very lately, it
‘ is enacted, That, where any vessel coming from
‘ foreign parts, and having on board six pound of
‘ tea or any foreign brandy, or other spirits, in
‘ casks under sixty gallons, except two gallons for
‘ each seaman, shall be found at anchor, or hover-
‘ ing within the limits of any port of this king-
‘ dom, or *within two leagues* of the shore, and not
‘ proceeding on her voyage with the first opportu-
‘ nity,

' nity, all such tea, foreign brandy, and spirits,
 ' together with the package, or the value thereof,
 ' shall be forfeited, and the same may be seized.
 ' This, my Lords, I do not mention with a design
 ' to draw any parallel between our behaviour and
 ' the behaviour of the *Spaniards*: We have exer-
 ' cised our right in such a manner, that no foreign
 ' nation has the least reason to say we have done
 ' them an injury, or to complain of the regulations
 ' we have made for the preservation and exercise
 ' of our right. On the contrary, the *Spaniards*
 ' have exercised the right they have to prevent a
 ' contraband trade with their settlements in *Ameri-*
 ' *ca*, in such a manner, that not only we, but eve-
 ' ry nation in *Europe* that has any trade in that
 ' part of the world, have just reason to complain
 ' of them, and to insist upon their altering the re-
 ' gulations they have made for the preservation of
 ' their right. Therefore, I say, I do not mention
 ' this, in order to make a comparison between their
 ' conduct and ours; but I mention it to shew that,
 ' where a nation has a right of any kind, they have
 ' a power to make such regulations, even with re-
 ' gard to foreigners, as they think necessary for
 ' the preservation and exercise of that right, pro-
 ' vided those regulations be not inconsistent with
 ' the law of nations, nor prejudicial to the rights
 ' or privileges of their neighbours. This is the
 ' principal dispute at present between *Spain* and us.
 ' We ought in justice to allow them to make such
 ' regulations, as may be necessary for preventing
 ' the carrying on of any contraband trade with
 ' their settlements in *America*; and on the other
 ' hand, they ought in justice to give up, and de-
 ' part from any regulations they have made, if
 ' upon examination they be found contrary to the
 ' law of nations, or if by experience they have
 ' been found prejudicial to the undoubted rights
 ' and privileges of this nation. We have a right

‘ to a free navigation in the *American* seas; but we
‘ ought not to insist upon that navigation’s being
‘ so very free and unconfined, as to render it im-
‘ possible for the *Spaniards* to prevent an illicit
‘ trade with their settlements in that part of the
‘ world. We would look upon it as the height of
‘ injustice, if the *French* or *Dutch* should insist up-
‘ on such an unlimited navigation along our coasts,
‘ and through the *British* channel, as would render
‘ it impossible for us to prevent the exportation of
‘ our wool, or the running of prohibited and un-
‘ customed goods in upon us. If your Lordships
‘ consider the affair in this light, I am convinced
‘ you will be all of my opinion: You will look
‘ upon it as an affair that could not be easily set-
‘ tled; and will therefore think, that the most his
‘ Majesty could do, was, to have it referred to
‘ plenipotentiaries, in order that they might settle
‘ such regulations between *Spain* and us, as might
‘ be effectual for the enjoyment of the right of
‘ each nation respectively, without hurting the
‘ right of the other; and at the same time you
‘ will see, that the word, *regulate*, was the only
‘ proper term upon this occasion, and that it does
‘ not mean an acknowledgment of any unjust right
‘ pretended to by *Spain*, nor a giving up of any
‘ of the undoubted rights of this nation, as some
‘ people have endeavoured to represent.

‘ It has been proved at your bar, my Lords,
‘ and every man who considers the situation of our
‘ islands, and the *Spanish* islands in the *West-Indies*,
‘ and the nature of the winds and tides in the *A-*
‘ *merican* seas, must see, that the ships of both na-
‘ tions must often and necessarily sail *within two*
‘ *leagues* of the coasts of one another: Our ships
‘ may even sometimes be obliged to hover upon
‘ their coasts; and it may, for what I know, be
‘ found absolutely necessary, to allow the *Spaniards*
‘ a liberty, under proper regulations, to examine

‘ such of our merchant-ships, as they find hover-
 ‘ ing within a certain distance of any of their coasts
 ‘ in that part of the world. This liberty, I say,
 ‘ may, for what I know, be necessary, for enabling
 ‘ them to prevent an illicit trade’s being carried on
 ‘ between our subjects, and their settlements in the
 ‘ *West-Indies*. It is a liberty we ourselves take
 ‘ with the ships of all nations, that are found ho-
 ‘ vering *within two leagues* of our coasts. Nay,
 ‘ it is a liberty which seems to be granted to them,
 ‘ and established by the treaties subsisting between
 ‘ the two crowns; for by the 4th article of the
 ‘ treaty between *Spain* and us, in the year 1667,
 ‘ it is expressly stipulated, “ That if any ship belong-
 ‘ ing to the subjects and merchants of the one or
 ‘ other nation, entering into bays, *or in the open*
 ‘ *sea*, shall be encountered by the ships of war be-
 ‘ longing to the other nation; such ship of war
 ‘ may examine such merchant-ship, and if any
 ‘ prohibited goods be found on board such ship,
 ‘ the same may be taken out and confiscated.”
 ‘ From whence it appears, that the *Spanish* ships
 ‘ of war have already a power to examine such of
 ‘ our merchant-ships as they encounter in the open
 ‘ seas, whether in *America* or *Europe*; for the ar-
 ‘ ticle is without limitation; and if they have of-
 ‘ late made an unjust or wrong use of that power,
 ‘ we ought to insist upon its being put under such
 ‘ regulations, as may prevent such a bad use being
 ‘ made of it in time to come; but as the contri-
 ‘ ving and settling such regulations, must require a
 ‘ consultation with those who are well acquainted
 ‘ with the trade and navigation in *America*, we
 ‘ cannot suppose they could be settled by a preli-
 ‘ minary treaty; and therefore, the only measure
 ‘ that could be taken, was, to refer them to be
 ‘ settled by plenipotentiaries, so as that they might
 ‘ afterwards be made part of a definitive treaty be-
 ‘ tween the two nations.

‘ I must now, my Lords, beg leave to consider a little, the dispute between *Spain* and us relating to *Carolina* and *Georgia*. This, likewise, my Lords, cannot properly be called a dispute about any of the undoubted rights, either of this nation, or of *Spain*. They do not dispute, at least they have not lately disputed, our right to what was formerly called *Carolina*, of which *Georgia* is a part; nor do we dispute their right to the southern parts of *Florida*: The only dispute between us, is about the limits between our respective possessions in that part of the world; and this dispute it was impossible to settle by a preliminary convention. Such disputes, we know, are seldom adjusted, even by a definitive treaty; for when any such dispute subsists between two nations, they often, I may say generally, conclude even a solemn and definitive treaty, and by that treaty they agree, that the limits between their respective territories shall be afterwards adjusted and settled by commissaries or plenipotentiaries, to be named and appointed by the two contracting parties respectively; and therefore, my Lords, I must say, I am surprized to hear the least objection made against this part of the convention now under our consideration.

‘ ’Tis true, my Lords, we have agreed, that during the time that the discussion of this affair, relating to the limits between *Carolina* and *Florida*, shall last, things shall remain in the aforesaid territories of *Florida* and *Carolina*, in the situation they are in at present, without increasing the fortifications there, or taking any new posts. This is a sort of suspension of the free enjoyment of our right, but this is a confirmation of the right itself; because it imports an acknowledgment from *Spain*, that we have a right to some territories in *Florida* or *Carolina*.

‘ And for this very reason, it would have been
 ‘ wrong in us to have admitted of any article or
 ‘ words in this treaty, for obliging the *Spaniards*
 ‘ to suspend searching our ships on the open seas
 ‘ of *America*, during the discussion of that affair;
 ‘ because our having stipulated any such suspen-
 ‘ sion, would have been an acknowledgment that
 ‘ they had some sort of right to do so; in which
 ‘ case, some Lords would have had much more
 ‘ reason than they have at present, to insinuate,
 ‘ that by this treaty we had given up, or render-
 ‘ ed disputable, some of the most undoubted
 ‘ rights of this nation.

‘ Having thus, my Lords, shewn, that no rea-
 ‘ sonable objection can be made to the treaty now
 ‘ before us, I must beg your Lordships to consi-
 ‘ der the present circumstances of *Europe*, the
 ‘ circumstances of this nation, and the relation
 ‘ we stand in to *Spain*. To all nations it must be
 ‘ granted, that peace is a desirable thing. It must
 ‘ be allowed, that no nation ought to enter into a
 ‘ war against any neighbouring nation whatever,
 ‘ if they can obtain every thing they can justly
 ‘ demand by peaceable means. But with regard
 ‘ to this nation, we ought to be more cautious
 ‘ of entering into a war than most others. We
 ‘ are a trading nation: A great part of our people
 ‘ subsist by trade; and even our landed gentle-
 ‘ men, who have no concern in trade, owe a
 ‘ great part of their yearly revenue to the com-
 ‘ merce and manufactures we carry on; for if it
 ‘ were not for our trade and manufactures, our
 ‘ farms could not let at so high a rent as they do,
 ‘ nor could we have near so many houses in our
 ‘ towns and villages. Therefore, as war must
 ‘ always interrupt our trade, we ought to be ex-
 ‘ tremely cautious of engaging in war, and more
 ‘ so with regard to *Spain* than most other nations
 ‘ in *Europe*; because, I believe it will be allowed,
 ‘ that

‘ that our trade with *Spain* is more profitable to
‘ the nation in general, than our trade with any
‘ other nation in *Europe*, except *Portugal* alone.
‘ But suppose we were under a sort of necessity to
‘ engage in war, yet unless that necessity were ex-
‘ tremely urgent as well as unavoidable, we
‘ ought to put off engaging in war for some time,
‘ both on account of our own circumstances, and
‘ on account of the present circumstances of affairs
‘ in *Europe*. With regard to our own circumstan-
‘ ces, it must be confessed, that, considering the
‘ present heavy load of debt we labour under, and
‘ the many taxes we are obliged to raise for the
‘ payment of that debt, we are at present in no
‘ very good condition for engaging in a dangerous
‘ and expensive war; and with regard to the af-
‘ fairs of *Europe*, they were never in a more un-
‘ lucky situation for us, than they are at this
‘ time. If we should immediately engage in a
‘ war with *Spain*, ’tis possible, I may say, ’tis
‘ probable, that the *Spaniards* will be assisted by
‘ *France*, and perhaps by some other powers of
‘ *Europe* we little dream of at present. On the
‘ other hand, as the Emperor is engaged in a
‘ war with the *Turks*, and has been most sur-
‘ prizingly unlucky in the prosecution of that
‘ war, we can expect no assistance from that quar-
‘ ter; and this will of course prevent any of the
‘ other powers upon the continent from giving us
‘ any assistance, because it will be impossible to
‘ form an army upon the continent, sufficient for
‘ protecting them against the united force of
‘ *France* and *Spain*, assisted, perhaps, by several
‘ of the other Princes and States in *Europe*.

‘ I know, my Lords, it may be said, that as
‘ we have the good luck to be environed by the
‘ sea, and have a fleet superior to any that *France*
‘ and *Spain*, joined together, can bring against
‘ us, we may protect our own trade and domi-
‘ nions,

' nions, and so much infest the trade and domi-
 ' nions of our enemies, as to make them at last
 ' glad to agree to reasonable terms; but, my
 ' Lords, if our enemies are, by their great land
 ' armies, absolute masters upon the continent,
 ' they may not only prevent our receiving as-
 ' sistance from any of the Princes or States upon
 ' the continent; but they may induce or oblige
 ' them all to join against us; at least they may
 ' oblige them to deny us access to any of their
 ' ports or harbours, either for our men of war or
 ' merchant-ships, which would at once put an en-
 ' tire stop to our trade, and would make it im-
 ' possible or very dangerous to send our squadrons
 ' to any great distance from our own ports; for
 ' though they may be superior to any squadrons
 ' that can be fitted out against them, they are not
 ' equal to winds and tempests. By these they
 ' may be scattered and dispersed, some of them
 ' perhaps swallowed up, and the rest left a prey
 ' to a pusillanimous foe, that might lie skulking
 ' in port, and watching for such an opportunity.

' It must therefore be acknowledged, my Lords,
 ' that the present circumstances of our affairs
 ' both at home and abroad, are no way suitable
 ' for our engaging in an immediate war. I should
 ' have been far from saying so much of them,
 ' if they had not been well and publickly known.
 ' And as every thing I have said is well known
 ' to every court in *Europe*, I think, that, instead
 ' of finding fault with the little we have obtained
 ' by this preliminary treaty, we have reason to be
 ' surprized, that his Majesty was able to obtain
 ' so much. If the treaty had been much less fa-
 ' vourable for us, I should have been for ap-
 ' proving it; because it would have prevented
 ' our being obliged to come to an immediate rup-
 ' ture; for though the circumstances of our af-
 ' fairs, both abroad and at home, be at present

‘ in a bad situation, they cannot long continue so :
‘ Our own circumstances, while we remain at
‘ peace, will be every day growing better : We
‘ shall every year be able to pay off some part of
‘ our debt, and thereby either diminish our taxes,
‘ or increase our sinking fund. And as to the
‘ circumstances of affairs in *Europe*, they cannot
‘ long remain in the present situation : It is the
‘ peculiar happiness of this island, that no one
‘ nation in the world can attack us ; and if we do
‘ not rashly and unadvisedly attack them, if we
‘ will but have patience, we can seldom fail of
‘ meeting with a good opportunity, in every four
‘ or five years time, for making the proudest and
‘ the most powerful nation in *Europe*, heartily re-
‘ pent of having injured this nation, and that
‘ without exposing our own country to the least
‘ danger, or to any great expence. As there are
‘ a great many different interests upon the conti-
‘ nent, as those different interests are every day
‘ creating disputes among the Princes and States
‘ thereof, and as several deaths may happen that
‘ must give the affairs of *Europe* a turn in our fa-
‘ vour ; it would be most imprudent in us to en-
‘ gage in a war at present, when the state of af-
‘ fairs in *Europe* is in a situation the most unfav-
‘ ourable for this nation that ever any age pro-
‘ duced ; and therefore, I must think, that the
‘ convention now before us, was one of the wisest
‘ steps that could be made, and that it highly de-
‘ serves the thanks of every man who wishes well
‘ to his country.

‘ To what I have said, my Lords, I must add,
‘ that in a few years we shall probably be more
‘ united among ourselves, than we are at present.
‘ It must be allowed, that we have at present a
‘ very numerous party amongst us, who would
‘ be ready to join any invader, against our esta-
‘ blished government : Some out of a real princi-
‘ ple,

' ple, some from the hopes of making or mend-
 ' ing their own private fortunes by the change,
 ' and some from malice and an unjust resentment
 ' against those who are employed in our admi-
 ' nistration. The numbers of those who are from
 ' principle disaffected to our government, will be
 ' decreasing every day; because, as their disaf-
 ' fection proceeds from a wrong education in their
 ' youth, their children have had an opportunity
 ' of learning other principles, and of discovering
 ' the ridiculousness of those principles by which
 ' their parents were governed, so that nature it-
 ' self must put an end to this disaffection, since it
 ' can meet with no considerable supply from the
 ' rising generation. As for those who hope for
 ' advantage by a change, their numbers will al-
 ' ways depend upon the probability of success,
 ' and therefore must always be greater or less, ac-
 ' cording as the juncture of affairs abroad is un-
 ' lucky or favourable for this nation: And as to
 ' those who are governed by malice and resent-
 ' ment, time itself must blunt the edge of their
 ' passions; and common prudence will prevent
 ' their engaging with the enemies of their coun-
 ' try, when from the state of affairs in *Europe*,
 ' they can have but little probability of suc-
 ' cess.

' From all which considerations, my Lords, I
 ' must be of opinion, that if the present conven-
 ' tion had not been near so satisfactory as it is, it
 ' would have been more prudent in his Majesty
 ' to have accepted of it, than to have engaged
 ' the nation in an immediate war; but as I have
 ' shewn, that we have thereby obtained all we
 ' could reasonably desire, it must be allowed that
 ' his Majesty has closely, and with surprizing
 ' success, followed the advice that was given him
 ' by his Parliament last session; and therefore, I
 ' think,

‘ think, we can do nothing less than thank him
 ‘ in the terms proposed.’

The next that spoke was the Lord *Carteret*,
 whose speech was in substance thus :

‘ My Lords,

‘ As I have before given you my opinion upon Lord Carteret's speech.
 ‘ this question, which is not in the least alter'd
 ‘ by any thing the noble Lord that spoke last has
 ‘ said, I rise up now only to take notice of some
 ‘ things that fell from that noble Lord. In the
 ‘ first part of his discourse he endeavoured to
 ‘ shew, that the measures pursued since last session, and the convention that has been concluded, were agreeable to the resolutions and address of this house last session of Parliament.
 ‘ My Lords, 'tis so far otherwise, that to any
 ‘ one who reads the resolutions we then came to,
 ‘ and the address we then presented, both the
 ‘ measures we have pursued, and the treaty we
 ‘ have concluded, must appear to be directly
 ‘ contrary to the advice we then gave. We advised peaceable measures, 'tis true, but we did
 ‘ not advise that the nation should, in the midst
 ‘ of peace, be put to the expences of war: We
 ‘ advised his Majesty, 'tis true, to endeavour to
 ‘ procure satisfaction and security by peaceable
 ‘ means, but we did not advise him to accept of
 ‘ a treaty which stipulates neither the one nor the
 ‘ other: On the contrary, we expressly recommended to his Majesty to insist not only upon no
 ‘ search, but upon no contraband goods; whereas,
 ‘ in the treaty, his ministers advised him to accept
 ‘ of, there is not so much as a stipulation against
 ‘ either the one or the other, though both have
 ‘ been for several years openly and expressly pre-
 ‘ tended to by the *Spaniards*, and many of our
 ‘ merchants

‘ merchants plundered and ruined under that pretence.

‘ My Lords, to pretend to give weight to negotiations, by raising armies and fitting out squadrons, is a very modern, and a very extraordinary piece of politicks: A sort of politicks that was never practised in any country but this, nor in this before the happy æra of our present administration. When a nation is actually engaged in war, it would, indeed, be imprudent to disband their armies, or lay up their squadrons, till a peace is fully settled; but in time of peace, it is ridiculous to put a nation to the trouble and expence of armaments, till a war is actually resolved on. As long as there are any hopes of obtaining satisfaction by peaceable means, no wise and frugal government ever put themselves to the expence of extraordinary military preparations. When all such hopes are vanished, they then, indeed, prepare for war; but it is always with a design to make a proper use of the preparations they make, unless their enemies, besides satisfaction for all former demands, agree to make good the expence which their obstinacy has occasioned. To raise armies, and fit out squadrons, under pretence of giving weight to negotiations, can serve no end therefore, but that of ministers, who by such means get an opportunity of filling their own, and the pockets of their friends; for there is no power we can negotiate with, but knows, that we can both raise armies, and fit out squadrons, in case our negotiations should prove unsuccessful; and our putting ourselves to such expence before we know the issue of our negotiations, must give those we negotiate with, a bad opinion of our conduct, which will of course diminish the weight of our negotiations; because they will conclude, that those who do not know how to govern in time of peace, will much less know

‘ know how to govern in time of war. This we
‘ may know from fatal experience; for this nation
‘ had never so little influence upon the counsels of
‘ *Europe*, as since we began to pretend to give
‘ weight to our negotiations, by maintaining or
‘ increasing peaceable armies, or fitting out harm-
‘ less squadrons: We have by a long course of
‘ such politicks, I am afraid, brought the nation
‘ into such contempt, that our neighbours now as
‘ little regard our military preparations, as they do
‘ our pacifick negotiations; and we have of late
‘ years made so many counter treaties, that, I’m
‘ afraid, every nation in *Europe* despises our pro-
‘ mises, as much as they condemn our threatnings.

‘ If we consider what has been done since last
‘ session, and the great expence the nation has been
‘ put to; nay, if we give credit to what has been
‘ insinuated by the noble Lords who have spoke
‘ in favour of this convention, we cannot say his
‘ Majesty has obtained this treaty, insignificant as
‘ it is, by peaceable measures, but by warlike pre-
‘ parations; and if the obstinacy of the *Spaniards*
‘ made such preparations necessary, they, and not
‘ the people of this nation, ought to have been
‘ made to pay for their obstinacy. But with re-
‘ gard to the treaty itself, if we will but look up-
‘ on the resolutions and address of last year, we
‘ must see that it is still more contrary to the ad-
‘ vice we than gave. We advised and recommend-
‘ ed in the strongest terms, that his Majesty should
‘ insist upon no search, and also upon no contra-
‘ band goods: In this treaty there is not a word of
‘ either; and yet every one must allow, that we
‘ recommended, and that we had great reason to
‘ recommend, that the *Spaniards* should be obliged,
‘ either by peaceable means, or by force of arms,
‘ to pass from both these pretences in the most ex-
‘ press terms. The *Spaniards*, my Lords, may,
‘ without our consent, make what regulations they
‘ please

‘ merchants plundered and ruined under that pretence.

‘ My Lords, to pretend to give weight to negotiations, by raising armies and fitting out squadrons, is a very modern, and a very extraordinary piece of politicks: A sort of politicks that was never practised in any country but this, nor in this before the happy æra of our present administration. When a nation is actually engaged in war, it would, indeed, be imprudent to disband their armies, or lay up their squadrons, till a peace is fully settled; but in time of peace, it is ridiculous to put a nation to the trouble and expence of armaments, till a war is actually resolved on. As long as there are any hopes of obtaining satisfaction by peaceable means, no wise and frugal government ever put themselves to the expence of extraordinary military preparations. When all such hopes are vanished, they then, indeed, prepare for war; but it is always with a design to make a proper use of the preparations they make, unless their enemies, besides satisfaction for all former demands, agree to make good the expence which their obstinacy has occasioned. To raise armies, and fit out squadrons, under pretence of giving weight to negotiations, can serve no end therefore, but that of ministers, who by such means get an opportunity of filling their own, and the pockets of their friends; for there is no power we can negotiate with, but knows, that we can both raise armies, and fit out squadrons, in case our negotiations should prove unsuccessful; and our putting ourselves to such expence before we know the issue of our negotiations, must give those we negotiate with, a bad opinion of our conduct, which will of course diminish the weight of our negotiations; because they will conclude, that those who do not know how to govern in time of peace, will much less know

‘ know how to govern in time of war. This we
‘ may know from fatal experience; for this nation
‘ had never so little influence upon the counsels of
‘ *Europe*, as since we began to pretend to give
‘ weight to our negotiations, by maintaining or
‘ increasing peaceable armies, or fitting out harm-
‘ less squadrons: We have by a long course of
‘ such politicks, I am afraid, brought the nation
‘ into such contempt, that our neighbours now as
‘ little regard our military preparations, as they do
‘ our pacifick negotiations; and we have of late
‘ years made so many counter treaties, that, I’m
‘ afraid, every nation in *Europe* despises our pro-
‘ mises, as much as they condemn our threatnings.

‘ If we consider what has been done since last
‘ session, and the great expence the nation has been
‘ put to; nay, if we give credit to what has been
‘ insinuated by the noble Lords who have spoke
‘ in favour of this convention, we cannot say his
‘ Majesty has obtained this treaty, insignificant as
‘ it is, by peaceable measures, but by warlike pre-
‘ parations; and if the obstinacy of the *Spaniards*
‘ made such preparations necessary, they, and not
‘ the people of this nation, ought to have been
‘ made to pay for their obstinacy. But with re-
‘ gard to the treaty itself, if we will but look up-
‘ on the resolutions and address of last year, we
‘ must see that it is still more contrary to the ad-
‘ vice we than gave. We advised and recommend-
‘ ed in the strongest terms, that his Majesty should
‘ insist upon no search, and also upon no contra-
‘ band goods: In this treaty there is not a word of
‘ either; and yet every one must allow, that we
‘ recommended, and that we had great reason to
‘ recommend, that the *Spaniards* should be obliged,
‘ either by peaceable means, or by force of arms,
‘ to pass from both these pretences in the most ex-
‘ press terms. The *Spaniards*, my Lords, may,
‘ without our consent, make what regulations they
‘ please

please for preventing an illicit trade with their colonies in *America*, provided these regulations be not inconsistent with the law of nations, nor contrary to the treaties subsisting between the two crowns: But that of searching our ships on the open seas, is not only inconsistent with the law of nations, but expressly contrary to the treaties subsisting between the two crowns. The noble Lord was pleased to repeat a part of the 14th article of the treaty of 1667: I wish he had repeated the whole; for by that article it is expressly stipulated, "That if any ship belonging to the subjects and merchants of the one or the other nation, *entring into bays*, or in the open sea, shall be encountred by the ships of war of the other; such ships of war, to prevent disorders, *shall not come within cannon-shot*, but shall send their long-boat, or pinnace, to the merchant-ship, *and only two or three men on board*, to whom the master shall shew his passports and sea-letters, *to which, entire faith and credit shall be given.*" Nay, by the foregoing article it is provided, "That if the ships belonging to the subjects of the one or other nation, be necessitated to anchor in the roads or bays of either, or even to enter into the ports of either, *they shall not be molested or visited*; but that it shall be sufficient for them to shew their passports or sea-letters, which being seen by the respective officers of either King, the said ships shall return freely to sea without any molestation." From hence we may see, how careful our administration was in the reign of King *Charles II.* to guard against our merchant-ships being exposed to the trouble and inconveniencies of a search; and yet some people are as ready to censure every thing that was done in that reign, as they are ready to applaud every thing that has been done in the present.

• This

‘ This treaty of 1667, my Lords, as the noble
‘ Lord that spoke last has observed before me, is
‘ a general and unlimited treaty: It relates to the
‘ seas of *America*, as well as to the seas of *Europe*;
‘ and as it has been renewed and confirmed by
‘ every treaty betwixt the two crowns since that
‘ time, it plainly demonstrates, that the searching
‘ our ships in any part of the world, or under any
‘ pretence whatsoever, is contrary to treaty, as
‘ well as inconsistent with the law of nations.
‘ Therefore, as the *Spaniards* have lately set up a
‘ pretence to search our ships on the open seas of
‘ *America*, before we had submitted to treat with
‘ them about any regulations, for rendering effectual
‘ the right they have to prevent an illicit trade
‘ with their settlements in that part of the world,
‘ we ought to have insisted upon their passing from
‘ this pretence, in the most explicit terms that
‘ could be made use of.

‘ Now, my Lords, with regard to contraband
‘ or prohibited goods, for we must take care to
‘ distinguish between the two: Because contraband
‘ goods are only arms, ammunition, and other u-
‘ tensils of war, which are on board a ship bound
‘ to an enemy’s port; therefore none of our ships,
‘ either in the *American* seas, or any other seas, can
‘ have any goods on board, which the *Spaniards*
‘ can call contraband, unless she be bound to some
‘ of the ports of those who are at that very time
‘ in war with *Spain*. But suppose a *Spanish* ship of
‘ war should meet at sea a *British* ship, and that
‘ by her passports or sea-letters it should appear,
‘ that she is bound to a port then belonging to the
‘ enemies of *Spain*; for it can no other way appear
‘ but by her passports or sea-letters, as is evident
‘ from the 14th article of the treaty of 1667, which
‘ I have already mentioned: Yet even in that case,
‘ the *Spaniards* are not to search the *British* ship at
‘ sea, nor are they to confiscate the ship and cargo,

' for the sake of the contraband goods that appear
 ' to be on board. By the 23d article of the same
 ' treaty, it is expressly provided, " That in case
 " any contraband goods be found on board, *by the*
 " *above-said means*, they shall be taken out and
 " confiscated; *but for this reason the ship, and the*
 " *other free and allowed commodities which shall be*
 " *found therein, shall in no wise be either seized or*
 " *confiscated.*" And to prevent all disputes about
 ' what may be deem'd contraband, the several
 ' sorts of goods to be deem'd contraband, are par-
 ' ticularly enumerated in the 24th article; and by
 ' the 25th article it is expressly stipulated, " That
 " wheat, rye, barley, or other grain, or pulse, salt,
 " wine, oil, and generally whatsoever belongs to
 " the sustaining and nourishing of life, shall not be
 " deemed contraband, though designed to be car-
 " ried to the towns or places of enemies, unless
 " such town or place be besieg'd, and block'd-up,
 " or surrounded;" which shews, that if the *Spaniards*
 ' had the least regard for this nation, or for
 ' the treaties subsisting between the two crowns,
 ' they would never have pretended to have seized
 ' a *British* ship in the *American* seas, on account of
 ' her having any contraband goods on board.

' As to prohibited goods, my Lords, they are
 ' very different from those properly called contra-
 ' band. Prohibited goods, which in *Latin* are
 ' called *merces prohibita*, without adding the
 ' words, *vulgo contrabanda*, are such goods as are
 ' prohibited to be imported, or such as are prohi-
 ' bited to be exported, by the laws of any particu-
 ' lar country. Both in *Spain* and *England* there
 ' are goods which are prohibited to be exported,
 ' and as there is an intercourse of trade between
 ' the two nations in *Europe*, the subjects of *Eng-*
 ' *land* may be liable to be punished, if they should
 ' export from *Spain* any of the goods prohibited
 ' to be exported by the laws of that kingdom, as
 ' well

' well as the subjects of *Spain* may be liable to be
 ' punished, if they should export from hence any of
 ' the goods prohibited to be exported by the laws
 ' of this kingdom. This, I say, may be the case
 ' with regard to our respective dominions in *Eu-*
 ' *rope*; and therefore this case too was regulated by
 ' the treaty of 1667; for by the 15th article of
 ' that treaty it is stipulated, " That if any prohi-
 ' bited goods be exported from the territories of
 ' either of the said Kings, by the respective sub-
 ' jects of the one or the other, the prohibited
 ' goods shall be *only* confiscated, *and not the other*
 ' *goods*; neither shall the delinquent incur any o-
 ' ther punishment, except he shall carry out from
 ' the dominions of the King of *Great Britain*, the
 ' proper coin, wool, or fullers earth of the said
 ' kingdoms; or shall carry out of the kingdoms
 ' or dominions of the said King of *Spain*, any
 ' gold or silver, wrought or unwrought; in either
 ' of which cases the laws of the respective coun-
 ' tries are to take place."

' But, my Lords, as there is no intercourse of
 ' trade between the subjects of *Great Britain*, and
 ' the *Spanish* settlements in *America*, or between
 ' the subjects of *Spain* and the *British* settlements
 ' in that part of the world, therefore there can be
 ' no goods on board any ships of the one nation
 ' trading in those seas, that can be called prohibited
 ' by the other. The very trade itself is prohibited,
 ' and consequently every shilling's worth that any
 ' *British* ship can export from the *Spanish* settle-
 ' ments in *America*, let the goods be of whatever
 ' sort or kind, must be prohibited; and may be
 ' seized and confiscated, not because she has got
 ' prohibited or contraband goods on board, but
 ' because she has been concerned in an illicit trade.

' From what I have said, my Lords, it must
 ' appear, that no *British* ship sailing in the *Ame-*
 ' *rican* seas, can have any goods on board, which

' th: *Spaniards* can call prohibited or contraband
 ' goods; and as they have lately set up such a
 ' pretence, and have seized and confiscated a great
 ' many of our ships on that account, therefore
 ' we ought to have insisted upon their waving
 ' that pretence, before we had submitted to treat
 ' with them upon any other article. But suppose
 ' the *Spaniards* should say, they do not seize our
 ' ships in the *American* seas, on account of their
 ' having prohibited or contraband goods on board,
 ' but on account of their having goods on board,
 ' which are the proper produce of their settle-
 ' ments in that part of the world, because they
 ' look upon their having such goods on board, as
 ' an incontestable proof of such ships having
 ' been concerned in an illicit trade with their set-
 ' tlements. My Lords, it would be ridiculous in
 ' us to admit of this, and still more ridiculous to
 ' admit of their searching *British* ships on the
 ' open seas of *America* upon this pretence; for
 ' they would certainly, soon after, pretend to
 ' search every ship they met with in the *European*
 ' seas, and to confiscate ship and cargo, in case
 ' they should find any *Spanish* gold or silver on
 ' board, because they would say, that her having
 ' *Spanish* gold or silver on board, was an incon-
 ' testable proof of her having exported it clan-
 ' destinely from some part of *Spain*, and conse-
 ' quently that the laws of their country ought to
 ' take place, according to the 15th article of the
 ' treaty of 1667. Whereas by that treaty, and by
 ' the custom ever since, no *British* ship can be
 ' searched on the open seas by any *Spanish* ship of
 ' war; and consequently even those goods which
 ' are prohibited to be exported from *Spain*, can-
 ' not be seized or confiscated, after they are loaded
 ' on board a *British* ship, and that ship fairly out
 ' at sea, unless it should appear by her passports
 ' or sea-letters, that they were exported from
 ' *Spain*,

Spain, which is a case that can never happen ;
for it can never appear by a ship's passports or
sea-letters, that such goods were exported from
Spain ; because when they are exported from
thence clandestinely, as they must be, no ac-
count of them can appear in the ship's passports
or sea-letters ; and such goods, when exported
from any other country, cannot then be called
prohibited goods, by the *Spaniards* ; because
they appear then by the ship's passports or sea-
letters, not to have been exported from *Spain*,
and consequently can neither be seized nor con-
fiscated by the *Spaniards*.

I shall allow, my Lords, that the *Spaniards*
have as good a right to prevent an illicit trade
with their settlements in *America*, as we have to
prevent an illicit trade with ours. Between
these two cases a parallel may be drawn, in or-
der to see which of us takes the wisest and the
justest methods for preserving our right. But I
was surprized to hear a parallel attempted to be
drawn between an illicit trade with the *Spanish*
settlements in *America*, and a clandestine or un-
lawful trade upon the coasts of *Great Britain*
and *Ireland*. In the former, there is no inter-
course of trade allowed to foreigners : No fo-
reign ship can enter any of their ports, but in
cases of the greatest necessity ; therefore, it is
easy to prevent an illicit trade, without any se-
vere precautions : To which I must add, that
as there is no convenience of land carriage from
the by-creeks and corners of their coasts to any
of their great towns, no illicit trade can be car-
ried on, but at places near some of their great
towns, and there it would be easy to prevent it,
by proper officers and proper regulations at
land : Nay, even one of their own governors
was of opinion, as appears by a letter of his,
which was read at our bar, that it would be easy

to prevent an illicit trade, by proper precautions at land, without employing one *Guarda Costa* at sea. Wherers in *Britain* and *Ireland* there is a free intercourse of trade allowed to all foreigners, and convenient land or water carriage from every by-creek and corner of our coasts, to many populous cities and villages; and therefore, it is so easy for foreigners, as well as our own subjects, to run prohibited or unaccustomed goods in upon us, or to steal our wool or fullers earth away from us, that it is absolutely necessary for us to take precautions, both by sea and land, against such practices.

However, my Lords, notwithstanding the difficulty we labour under in this case, let us but consider the laws we have made against exporting of our wool, and against smuggling, and we shall find that no foreign nation can have the least ground to complain of them, nor can any foreigner suffer by them, unless he is really guilty, or very much to blame. We have, 'tis true, very severe laws against the exportation of our wool, and we have guard-ships appointed on purpose, and instructed to seize all ships exporting that valuable commodity to foreign parts; but those guard-ships never pretend to search or seize any foreign vessel, unless they have a full proof, or very great cause of suspicion, that she has wool on board, which was actually exported, or carried out to her, from some part of *Britain* or *Ireland*. And as to those laws that have been made against ships hovering within two leagues of our coasts, they are so limited, that it is hardly possible any foreigner can suffer, unless he has a real design to smuggle; for even by the last act that was made against such ships, which is the most severe, I mean the late famous smuggling act, passed but about three years since, the vessel

must

‘ must have tea, or foreign spirits on board, and
‘ those spirits must be in casks under sixty gal-
‘ lons; and farther, she must not only appear to
‘ be hovering, but also it must appear, that she
‘ did not proceed upon her voyage, wind and
‘ weather permitting, and without the master’s
‘ being able to shew, that she was detained, or
‘ prevented from proceeding, by any necessary
‘ cause whatsoever.

‘ But, my Lords, lest some of the *Spanish* ad-
‘ vocates in this country should from these laws
‘ pretend, that we may allow the *Spaniards* to
‘ make free with such of our ships as they find
‘ sailing within two leagues of their coasts in *Ame-*
‘ *rica*, I must take notice of some very material
‘ differences between the *British* and the *American*
‘ seas. In the first place, I am sure no man that
‘ has a true *British* heart, will allow the *Spaniards*
‘ to usurp such a dominion over the *American*
‘ seas, as we have a just right to, over the *Bri-*
‘ *tish*. And in the next place, I must observe,
‘ that no foreign ship, not bound for any of our
‘ ports, can have the least occasion to come with-
‘ in two leagues of any part of our shore, and
‘ much less to hover within two leagues of our
‘ shore, unless she has some bad design; but on
‘ the contrary, as our coasts are flat, and full of
‘ sand-banks, every fair trader will endeavour to
‘ keep above two leagues from our shore. Where-
‘ as, there are none of our ships that come from
‘ *Jamaica* to *Britain*, or that are bound from
‘ thence to any of our colonies upon the continent
‘ of *America*, but must steer their course close in
‘ with the shore of the *Spanish* islands of *Hispa-*
‘ *niola* or *Cuba*: The reason of this is, because
‘ the course from *Jamaica*, by the windward pas-
‘ sage, is much safer than that by the gulf of
‘ *Florida*; therefore it is chosen by all ships
‘ coming from *Jamaica*, if they can possibly
‘ make

' make it; but as the trade-winds are almost di-
 ' rectly in their teeth, they are obliged to keep
 ' close in with the *Cuba* shore, because there is a
 ' land breeze comes off from that island, which
 ' greatly assists them in their course, and without
 ' which, it would be impossible for them to make
 ' the windward passage. And even when they
 ' find they cannot make the windward passage:
 ' When they find they must bear away for the
 ' gulf, they must, for many leagues together,
 ' sail along the *Cuba* shore; and as they are obli-
 ' ged, after they pass *Cape St. Antonio*, upon the
 ' west end of the island of *Cuba*, to turn up
 ' against the trade-winds, they are under a ne-
 ' cessity of keeping close in with the *Cuba* shore,
 ' in order to take the benefit of the land breezes
 ' from that island; for otherwise they would be
 ' in great danger of being forced by the trade-
 ' winds and the currents, either into the gulf of
 ' *Mexico*, or upon the *Martieres*; the danger of
 ' which has been confirmed by experience; for it
 ' was proved at our bar, that two ships were lost
 ' but last year, because they, in their course, kept
 ' farther from the shore of *Cuba* than usual, in
 ' order to avoid the *Guarda Costa's*, by which
 ' means they were both drove upon the *Martieres*
 ' and lost. But this is not all, our ships must not
 ' only keep close in with the *Cuba* shore, but
 ' when they are endeavouring to make the wind-
 ' ward passage, they are often obliged to hover
 ' near that shore, or the shore of *Hispaniola*, for
 ' two or three weeks, when the trade-winds blow
 ' hard, in order to wait for a calm, that they
 ' may thereby have an opportunity of making
 ' that passage.

' This shews, my Lords, that we cannot al-
 ' low the *Spaniards* to search our ships within any
 ' limits at sea, even though they should be found
 ' hovering upon their coasts; and they have made

‘ so bad an use of the power they have lately
‘ usurped, that we have, I am sure, no reason to
‘ give them a right to that power by treaty, un-
‘ der any limitations whatever. But farther, it is
‘ a power they have no occasion for, unless it be
‘ to injure and interrupt our trade; for their coasts
‘ are not like ours in *Britain* and *Ireland*: They
‘ are not full of inhabitants, and fishing or trading
‘ villages at every creek: They have no inhabi-
‘ tants, but in, or near their great towns, there-
‘ fore no illicit trade can be carried on but in their
‘ ports, or at some creek very near them; and
‘ there it is impossible to carry on any illicit trade,
‘ but by the connivance of the *Spanish* governor,
‘ which is generally purchased by illicit traders,
‘ in which case the *Spanish Guarda Costa’s* dare
‘ not touch them; so that these *Guarda Costa’s*
‘ can be of no real use, but to molest and plun-
‘ der, or seize, under frivolous pretences, those
‘ foreign ships, that have no design to carry on
‘ an illicit trade with the *Spanish* settlements, and
‘ therefore will not be at the expence of making
‘ presents to *Spanish* governors.

‘ I hope, my Lords, I have now made it appear,
‘ that no regulations can be settled between *Spain*
‘ and us, for preserving the right they have to ex-
‘ clude foreigners from carrying on any trade in
‘ their settlements in the *West-Indies*. They may
‘ lay what penalties and forfeitures they will, upon
‘ their own subjects in that part of the world:
‘ They may even lay what penalties and forfeitures
‘ they will, upon those *British* subjects that shall
‘ come within their territories, contrary to the trea-
‘ ty 1670; but they can lay no penalty or forfeiture
‘ on, nor can they subject to their regulations, any
‘ *British* ship or subject that does not come with-
‘ in their territories in *America*, which we cannot
‘ allow them to extend beyond the limits of their
‘ ports, havens, and inhabited creeks, unless we
‘ have

' have a mind to yield up to them the sovereign-
 ' ty of the *American* seas, which I hope no *Bri-*
 ' *tish* minister will dare. Therefore I cannot
 ' comprehend what our plenipotentiaries have
 ' to regulate, with relation to our trade and navi-
 ' gation, unless they are to regulate and re-
 ' strain (for every regulation must be a restraint)
 ' our right to a free navigation in the *American*
 ' seas, or our right to carry in our ships, what-
 ' ever goods or merchandize we please, from one
 ' part of his Majesty's dominions to another.
 ' From hence it is evident, that this convention
 ' is so far from being agreeable to the resolutions
 ' of this house last session, that it is directly con-
 ' trary to them; for which reason, it ought cer-
 ' tainly to be some way amended.

' But to me, my Lords, no amendment can
 ' be of any signification. I shall be against the
 ' motion, however amended: The convention I
 ' cannot approve of in any shape, or in any
 ' words: I have shewn it to be a most disho-
 ' nourable and destructive treaty; and therefore,
 ' if any motion had been made for censuring it, I
 ' should have most heartily concurred; but as no
 ' such motion is now before us, I shall satisfy
 ' myself with giving a negative to the present
 ' question. In this, I hope to have a happiness
 ' I have been for many years very little accus-
 ' tomed to: I hope to have the concurrence of a
 ' great majority of this house; for surely, no
 ' Lord that hears me, can be under the least dif-
 ' ficulty in joining with me upon this occasion. If
 ' the question had been for censuring this treaty,
 ' bad as it is, some Lords might have found
 ' themselves under difficulties: They might, per-
 ' haps, have been unwilling to censure what has
 ' been done by their friends; but no rule of
 ' friendship can lay them under a difficulty in
 ' giving their negative to the present question.
 ' It

‘ It is only refusing to approve of what they think
 ‘ does not deserve their approbation; and to ap-
 ‘ prove with our lips, of what we in our hearts
 ‘ despise, is the part of a flatterer, not of a friend.’

Upon this the Earl of *Cholmondeley* stood up a-
 gain, and made a short speech, the purport of which
 was as follows, viz.

‘ My Lords,

‘ As I am far from having the least doubt of ^{Earl of Chol-}
 ‘ our right to a free navigation in the *American* ^{mondeley's}
 ‘ seas, or of our right to carry in our ships what ^{speech.}
 ‘ goods or merchandize we think proper, from
 ‘ one part of his Majesty's dominions to another,
 ‘ I very much approve of what the noble Lord
 ‘ that spoke last hath said in vindication of these
 ‘ our rights; but from his having been at the pains
 ‘ to say so much in their vindication, I am persua-
 ‘ ded the *Spaniards* may have something to say a-
 ‘ gainst them, or at least that they may have some
 ‘ reasons to offer, why we should agree to their
 ‘ being laid under some regulations, in order to
 ‘ secure them against an illicit trade's being carried
 ‘ on by our people in their settlements; and this
 ‘ convinces me, that our disputes upon this subject,
 ‘ were of such a nature as could not be fully settled
 ‘ by a preliminary treaty. It must require some
 ‘ time to convince the *Spanish* court, that these our
 ‘ rights can admit of no regulations, especially, as
 ‘ it is the interest of the *Spanish* governours and
 ‘ captains of *Guarda Costa's* in *America*, to insist
 ‘ upon it that they may; and as there is nothing
 ‘ in the convention now before us that can in the
 ‘ least derogate from either of these rights, I am
 ‘ far from having such an opinion of it as some
 ‘ noble Lords have been pleased to express. On
 ‘ the contrary, I think it the most we could expect
 ‘ in so short a time, and therefore, I thought the
 ‘ least

‘ least I could do, was to move for an address in the terms I have taken the liberty to propose.

‘ If this were a solemn and definitive treaty, my Lords, there might be some reason for saying, that it did not come up to our resolutions and address of last session; but as it is only a preliminary convention, and as by this preliminary his Majesty has obtained, by peaceable measures, a part of what was recommended to him last session, I mean reparation for our losses, and has, in my opinion, laid a foundation for obtaining, by the same means, all that was recommended to him, I think he deserves thanks from every man who delights in peace, or wishes prosperity to the trade and navigation of *Great Britain*. From such, I say, he deserves thanks, and he deserves it the more on account of his having obtained those terms by peaceable measures; for though the fitting out of squadrons may be called warlike preparations, they cannot be called warlike measures; and whatever other Lords may think, I shall always be of opinion, that in time of peace, as well as in time of war, the courts we negotiate with will have the more regard to what we propose, when they know we are ready to back our proposals with a well-disciplined army, and a powerful fleet to convey that army wherever we have a mind. We can, ’tis true, raise armies, and fit out squadrons whenever we please, but we can do neither in an instant; and when foreign powers know that we have none such ready, they will of course suppose, they may have time to prepare for their defence, before we can be in a condition to attack them, which will render them less pliable than they would be, if they knew that the immediate consequence of their refusal would be a powerful invasion from this kingdom, upon some part of their territories.

‘ For

' For these reasons, my Lords, I do not think
 ' the motion I have made stands much in need of
 ' any amendment; but if the noble Lord that
 ' spoke last, or any other Lord, will please to pro-
 ' pose an amendment, I shall willingly agree to it,
 ' unless it appear to be a very unreasonable one;
 ' for all that I propose, my Lords, is, that we
 ' should make such a compliment upon the present
 ' occasion to his Majesty, as has always been usual
 ' when any treaty, convention, or negotiation, has
 ' been laid before this house by the King's order.
 ' This, I think, is upon all such occasions necessa-
 ' ry; but upon the present I must think it more
 ' necessary than upon most others; because his
 ' Majesty's success, with regard to the solemn and
 ' definitive treaty, which is to be concluded in
 ' pursuance of this preliminary convention, must
 ' entirely depend upon the respect shewn to his
 ' Majesty by his Parliament, upon this occasion.'

The next that spoke was the Earl of *Chesterfield*,
 whose speech was in substance as follows, viz.

' My Lords,
 ' I very little mind the address proposed, or a-
 ' ny address that can be proposed upon this occa-
 ' sion: Nor am I under the least concern, whether
 ' you amend it or no; for I shall be against it,
 ' however amended. I think this convention the
 ' most inglorious, the most pernicious, that this
 ' nation ever made; and therefore I shall be against
 ' any thing that may seem to insinuate the appro-
 ' bation of this house. We are sworn to be faith-
 ' ful counsellors to his Majesty, and I think it
 ' would be deceiving him; it would be a breach of
 ' our honour, a breach of our oath, to present to
 ' his Majesty an address that may bear the most
 ' distant resemblance of an approbation of such a
 ' treaty. I do not know who were the authors of
 ' it;

Earl of
Chesterfield's
 speech.

it; and therefore I cannot condemn the convention because of the authors, but I must condemn the authors, be who they will, because of the convention. But, my Lords, though I do not know who were the authors, I know who were not: I know his Majesty was not: I know he would never have approved of it, if matters had not been egregiously misrepresented to him. It is not, my Lords, to the King, we are to shew our respect by an address upon this occasion: It is to his ministers; for I must always look upon addresses that seem to insinuate an approbation of publick measures, as addresses made to the ministers who advised and conducted those measures. It is not therefore to the King, but to his ministers, that we are to shew our respect upon this occasion; and the only method, by which we can regain from foreign nations, that respect which is due to this, and that which we have forfeited by our late conduct, especially by our agreeing to this convention, would be to shew no respect to those that made it, but to censure it, and then address his Majesty, to know who had advised it. This would be shewing a due respect to our Sovereign, and a due respect to our own honour. As for our success, with regard to the solemn and definitive treaty, that is to be concluded in pursuance of this preliminary convention, I hope we shall have none, I would disappoint it if possible; for I am sure it is impossible to obtain an honourable treaty, in pursuance of such a dishonourable preliminary.

Last session of Parliament, my Lords, we strengthened the hands of the crown in a most extraordinary manner: We put it in the power of the crown to obtain satisfaction, reparation, and security, by force of arms, if they could not be obtained by peaceable means; but no proper use has been made of the extraordinary powers

‘ we then granted. Great fleets have, indeed, been
‘ fitted out: The nation has been put to great ex-
‘ pence, our seamen harrafs’d, and our trade inter-
‘ rupted: From these mighty preparations the na-
‘ tion expected great things; but the *Spaniards*
‘ knew better: They knew the instructions given
‘ to our formidable squadrons; or at least they
‘ judged of them from former experience. They
‘ knew our fleets were directed by the same coun-
‘ sels they have been for several years past, and
‘ therefore they concluded, they were furnished
‘ with the same harmless instructions. We had
‘ before sent a fleet to *Carthagena*, where it lay
‘ peaceably for several months, an overmatch for
‘ *Spain*, but an unequal match for the worms and
‘ climate. We had before sent a fleet to *Gibraltar*,
‘ when it was actually besieged by the *Spaniards*;
‘ but that fleet was not to attack or annoy them:
‘ No, it was so civil as to open to right and left,
‘ and let provisions pass through for the enemy’s
‘ besieging army: Nay, it seems, they had in-
‘ structions not even to protect our trade; for some
‘ of our merchant-ships were taken under their ve-
‘ ry nose.

‘ Our fleets sent out last summer, my Lords,
‘ now appear to have had the same sort of instruc-
‘ tions. We may judge of the instructions given
‘ to that sent to the *West-Indies*, from an accident
‘ that happened. One blunt *English* captain that
‘ was sent out upon a cruise, imagining that his
‘ country was not put to the expence of sending
‘ out fleets to do nothing, happened to meet with a
‘ *Spanish* register-ship, which he took and brought
‘ into *Jamaica*, as a lawful prize; but the Commo-
‘ dore knew the secret: He knew we were not to
‘ take, but in the most humble manner to sue for
‘ satisfaction and justice; and therefore he ordered
‘ the captain not only to set his prize at liberty,
‘ but to convoy her back, with great respect, to
‘ the

' the latitude in which he took her. Our Squadron
 ' sent to the *Mediterranean* could have no warlike
 ' instructions; because they could do no harm to
 ' *Spain*, unless it had been to make prize of some
 ' of their fishing boats, or coasting barks: They
 ' had no land forces on board, nor were provided
 ' with any thing proper for annoying any *Spanish*
 ' town or village upon the sea coast. None of
 ' our fleets therefore could give the least weight to
 ' our negotiations: They could serve for nothing,
 ' but to confirm the *Spaniards* in the contemptible
 ' opinion they have long entertained of us; and
 ' the consequence we find is agreeable. We have
 ' obtained no satisfaction for the many indignities
 ' that have been put upon us: It does not appear
 ' that we ever asked for it. We have obtained no
 ' reparation for our losses, but what was before a-
 ' greed to by *Spain*, or what one part of our own
 ' people must make to the other. And we have
 ' obtained no security for our trade or navigation:
 ' That we have left entirely to our plenipotenti-
 ' aries; and they are such plenipotentiaries, as, I be-
 ' lieve, no nation in the world would have trusted
 ' with an affair of such consequence; for I do not
 ' know that either of them has one shilling's worth
 ' estate in any part of his Majesty's dominions, to
 ' answer for any malversations or breaches of faith
 ' they may be guilty of.

' I am surprized any Lord should imagine, we
 ' have got as ample satisfaction as we could insist
 ' on. My Lords, the word *satisfaction* ought not
 ' to be mentioned by any one that talks in favour
 ' of this convention: We have got none. Has
 ' *Spain* agreed to punish or deliver up any one of
 ' its governors or captains, that have so cruelly
 ' used our seamen? This alone can be called satis-
 ' faction; and this we were afraid to ask. We
 ' have not so much as got, by this convention, a-
 ' ny reparation for our losses; and yet we have by
 ' this

‘ this convention given the *Spaniards* a general release. My Lords, I shall shew that we have got
 ‘ no reparation, but what *Spain* had before agreed
 ‘ to give, or what one part of our own people
 ‘ must make to the other; and in order to do this,
 ‘ I must examine the just demands, which, ’tis
 ‘ said, *Spain* had upon us. The only demands I
 ‘ ever heard of are, that which relates to the ships
 ‘ we took from them in the *Mediterranean* in
 ‘ 1718; and that which relates to the ship they
 ‘ call the *Sta. Theresa*, which was seized at *Dublin*
 ‘ in 1735. If there are any other, I wish the no-
 ‘ ble Lords who talk so much in favour of the
 ‘ convention, would mention and explain them.

‘ Now, my Lords, with regard to the ships we
 ‘ took from them in 1718, I must insist upon it,
 ‘ that they were justly taken, and were lawful
 ‘ prize. But as we, by the treaty in 1721, agreed
 ‘ to restore them, let us examine the words of that
 ‘ treaty, in order to see whether we have not long
 ‘ since complied, as far as we were obliged, with
 ‘ the terms of that treaty. The words of the 5th
 ‘ article of that treaty are, “ That his *Britannick*
 ‘ Majesty shall cause to be restored to his Catho-
 ‘ lick Majesty, all the ships of the *Spanish* fleet
 ‘ which were taken by that of *England*, in the
 ‘ naval battle fought in the seas of *Sicily* in 1718,
 ‘ with the guns and other equipage, in the condi-
 ‘ tion they are at present, or else the value of those
 ‘ that may have been sold, at the same price that
 ‘ the purchasers shall have given.” These are the
 ‘ words of the treaty; and in pursuance of this,
 ‘ his Catholick Majesty sent commissaries to *Port*
 ‘ *Mabon*, where all these ships were, except one,
 ‘ for I never heard that any more of them were
 ‘ sold, and the ships were accordingly, by his
 ‘ Majesty’s orders, offer’d to be delivered to these
 ‘ commissaries, with their guns and other equipage,
 ‘ in the condition they were then in, which was

all we were obliged to; but the commissaries refused to accept of them, because they were in a decayed condition, and unfit for service. Therefore, if these ships were not restored, it was the King of *Spain's* own fault; for we performed all that was incumbent upon us, by the treaty of 1721; except as to what related to the ship that had been sold, and that ship having been sent to *Spain* by those that purchased her, after they had fitted her up for service, at a very great expence, the *Spaniards* thought fit to seize her, by which they gave us a claim upon them, instead of their having any upon us, on account of that ship; for we were obliged to account for her only at the price at which she was sold, whereas, when they seized her, she was worth a great deal more.

From hence it appears, my Lords, that they could have no just demand upon us, on account of any obligations we laid ourselves under by the treaty 1721. And with respect to the ship they called the *Sta. Theresa*, it is well known, that she was one of those many *British* ships that have been of late most unjustly seized and confiscated by the *Spaniards*; and as she happened to be sent upon a voyage to *Dublin* by some *Spanish* merchants, the former owner being there at the time, immediately discovered her to be his ship; and he having applied to the government there, and fully proved his property, we could not refuse to do justice to our own people in our own ports; though we have for many years neglected to obtain justice for them from the *Spaniards*; but if we consider the convention, we shall find, that the value of this ship is not to be included in the 60,000*l.* demand which they make upon us; for by the 2d separate article, this ship is to be referred to the plenipotentiaries, and if they should give it
against

against us, the value of her is still to be accounted for, or to be allowed in whole, or in part, as a compensation for the *British* ship called the *Success*, the restitution of which is stipulated by the same article.

I hope I have now shewn, that the *Spaniards* had no just demands upon us; and therefore, I cannot comprehend how any Lord can talk of the mutual demands that were between the two nations. My Lords, there were no mutual demands: The demands were all of our side: We had taken great care they should have no demands upon us; for to our Christian patience and long-suffering, we added a Christian sort of revenge. We heaped coals of fire upon their heads, by returning them many good offices for many injuries received; but whatever Christianity may teach with regard to private life, I am sure it inculcates no such doctrines with regard to the behaviour of nations or governments towards one another; and I have good reason to believe, that those who have been the chief authors of our political tameness and submission, were no way influenced by any Christian motives.

I shall now, my Lords, consider the demands we had upon *Spain*; and here I must observe, that the demands of our merchants for ships plundered or seized by the *Spaniards*, before our commissaries returned from *Spain*, which is three or four years since, amounted to above 400,000*l.* which sum was reckoned as the value of what was taken or plundered at prime cost, for if our merchants had valued it at what they might have sold the cargoes for at market, it would have amounted to above 500,000*l.* besides the damages they suffered by the interruption of their trade, raising the premiums upon insurance, and loss of ships, two of which we

had an account of from the gentlemen that were
 examined at our bar, besides many others that
 were never heard of, some of which there is
 great reason to suspect, were taken by *Spanish*
Guarda Costa's, and the ships, with every living
 soul on board, sent to the bottom of the sea,
 after those pirates had gutted them of all they
 thought fit for their purpose. Therefore, the
 amount of our real damages, and consequently
 of our real demands upon *Spain*, at the time
 our commissaries left that kingdom, was at
 least 500,000*l.* sterling; and as the *Spaniards*
 have taken and plundered a great many of our
 ships since that time, our demands upon them
 for damages, without reckoning costs, must
 have amounted to a great deal above 500,000*l.*
 at the time we began to negotiate this conven-
 tion; for if to this we should add our costs, I
 mean the extraordinary expence the nation has
 been put to by their obstinate refusal of justice,
 our demands upon them at that time, would
 amount, I believe, to at least a million sterling,
 without one shilling's worth of a just demand
 upon their side; and this whole demand we
 have by this convention released, for the sum
 of 27,000*l.* which is less than the King of
Spain himself had allowed (before this conven-
 tion was thought of) to be justly due to us, as
 I shall presently make appear.

My Lords, the value put by our commissa-
 ries on the demands of our merchants, is what
 I have not the least regard to. They seem to
 have been *Spanish* and not *English* commissaries.
 'Tis true, they reduced the demands of our
 merchants to 200,000*l.* but they had not the
 least reason for what they did. One of them
 that was examined at our bar, could not give
 the least shadow of reason for making any re-
 duction, and much less for making such an ex-
 traordinary

extraordinary reduction. From what he said, we
 may judge, how they lumped things in favour
 of *Spain*. He told us, that for about twenty
 sloop, that even they allowed to have been
 unjustly seized, they lumped them at 100/.
 a-piece, though every one knows, that no
 sloop, proper for sailing on seas where tornado's,
 tempests, and hurricanes are frequent, can be
 built and fitted out for 100/. without reckoning
 the seamens cloaths, provisions, and other
 things, that must be on board. From hence
 we may see, they were resolved to reduce the
 demands of their countrymen as low as possible.
 From whom they could have instructions for
 this, I cannot imagine: I am sure it was not
 from his Majesty; and if they received such in-
 structions from any of his ministers, they ought
 not to have complied with them: It was betray-
 ing his Majesty, and sacrificing the interest of
 his people, to the selfish views of some of his
 ministers.

But even this sum of 200,000/. the court of
Spain was resolved, it seems, not to make good;
 and as our ministers were, it seems, resolved to
 have a treaty at any rate, it became necessary
 for them to reduce this sum: For this purpose,
 we have allowed of a demand of 60,000/.
 which the *Spaniards* made upon us, though
 they had not, as I have shewn, the least pre-
 tence for making such a demand. This reduced
 the 200,000/. to 140,000/. Well, but even
 this sum of 140,000/. the court of *Spain* refu-
 sed to pay; therefore we allowed them to de-
 duct 45,000/. for prompt payment. Whatever
 other Lords may think, I must think, an allow-
 ance of near one third of the sum due, is a
 pretty extraordinary allowance for prompt pay-
 ment; especially, when that which is called
 prompt payment, is only a promise to pay in

' four months. I have often, my Lords, heard
 ' of an allowance made for prompt payment,
 ' when money is paid before it is due by law or
 ' custom; but I never heard that the creditor
 ' made an allowance for prompt payment, when
 ' he gave his debtor four months forbearance:
 ' The allowance is then generally of the other side.
 ' This was the case between *Spain* and us. The
 ' money was due, and immediately payable both
 ' by law and custom; therefore they should have
 ' made us an allowance for forbearance, instead
 ' of our making them an allowance for prompt
 ' payment. What necessity, what obligation,
 ' could we lie under to accept of assignments
 ' upon his Catholick Majesty's revenues in *New*
 ' *Spain*? It would have been ridiculous to accept
 ' of any such; because we knew, by experience,
 ' they were good for nothing.

' However, my Lords, every pretence was to
 ' be admitted, that could be made, for diminish-
 ' ing the sum due to us from *Spain*: Therefore
 ' this allowance for prompt payment was ad-
 ' mitted of, and this reduced the 140,000*l.* to
 ' 95,000*l.* But still this sum was too large: The
 ' court of *Spain* would not so much as promise
 ' to pay even this sum; therefore, our nego-
 ' tiators allowed, for what I know, prompted
 ' them to set up a most unjust claim of 68,000*l.*
 ' against our *South-Sea* company; and though the
 ' *Spaniards* are, by their own acknowledgment,
 ' indebted to our *South-Sea* company in a much
 ' larger sum, yet it was agreed, that this 68,000*l.*
 ' should be immediately paid by the company to
 ' the King of *Spain*; and this immediate pay-
 ' ment was made the fundamental article of the
 ' convention; for the King of *Spain*'s protesta-
 ' tion, or declaration, I must, and, I am con-
 ' vinced, the court of *Spain* will, consider as a
 ' condition *sine qua non*; and our agreeing to ac-
 ' cept

cept of any treaty under such a condition, is the more extraordinary, for that it was done by one who was the company's servant, and at that very time intrusted with the management of their affairs at that court.

We may now see, my Lords, what reparation the King of *Spain* has, by this convention, agreed to make us. He has agreed to make a stipulated payment of 95,000*l.* to us in four months, provided our *South-Sea* company make an immediate present to him of 68,000*l.* so that he is to pay to us but 27,000*l.* out of his own pocket, which is a less sum than he had acknowledged to be due to us, before this convention was thought of; because, before this convention was thought of, he had acknowledged, that the five ships, mentioned in the 4th article, were unjustly seized, and had actually sent orders to *New Spain* for their restitution; and the value of these five ships will, I am sure, amount to more than 27,000*l.* Nay, if, in pursuance of these orders, they have been restored, which, indeed, I believe, we have no reason to apprehend, I do not know but we may be brought 4 or 5000*l.* in debt; for by that article, the whole, or any part of them, that shall appear to have been restored, is to be repaid by us.

Let us now see, my Lords, what reparation we have obtained by this convention. Our plundered merchants are, indeed, to have 155,000*l.* divided among them, the salaries, fees and perquisites of those who are to make the division, being first deducted; and this they are to have as a full satisfaction for their damages, which amount to more than 500,000*l.* But how is this 155,000*l.* to be raised? Why 60,000*l.* of it, must be raised by a tax upon our own people, or by making a new incroach-

' ment upon our sinking fund ; 68,000*l*. another
 ' part of it, is to be raised by, or rather taken
 ' by violence from, our own *South-Sea* company ;
 ' and the remaining 27,000*l*. is to be paid to us
 ' by the King of *Spain*, which is a less sum than
 ' he had acknowledged to be due to us, before
 ' this convention was thought of. I beg pardon,
 ' my Lords, for detaining you so long upon this
 ' head ; but as this treaty seems to have been art-
 ' fully calculated for palming a sham reparation
 ' upon the nation, I was obliged to examine it to
 ' the bottom, in order to detect the artifices that
 ' have been made use of for covering the de-
 ' ceit. Now, my Lords, with regard to our future
 ' security, we have been so negligent of it in this
 ' preliminary treaty, that we have not so much
 ' as obtained from the *Spaniards* a suspension of
 ' their wonted depredations. Where *Spain* is to be
 ' a gainer by a suspension, there it is expressly sti-
 ' pulated ; but where we are to be gainers, it is
 ' entirely neglected. We have promised to sus-
 ' pend all fortifications and improvements in *Geor-*
 ' *gia* and *Carolina* ; but *Spain* has not promised
 ' to suspend searching our ships, and confiscating
 ' them upon frivolous pretences. For this neg-
 ' lect, a learned Lord has found out a most inge-
 ' nious excuse. He has told us, that if we had
 ' stipulated any such suspension, it would have
 ' imported an acknowledgment of their right to
 ' search and confiscate. How this may be in law,
 ' I do not know ; but I do not think it agreeable
 ' to common sense. I cannot think, that my ex-
 ' acting a promise from a man to suspend doing
 ' me an injury, is the least acknowledgment, that
 ' he has a right to do me an injury. But if a
 ' suspension could be any way understood to be
 ' an acknowledgment of their right to search and
 ' confiscate our ships, the allowing them to con-

‘tinue the practice, must be a more direct, and,
‘I am sure, a more hurtful sort of acknowledg-
‘ment. Therefore, I must look upon this neg-
‘lect in the preliminary convention, as a bad
‘omen, with respect to the definitive treaty.
‘The time, it is true, in which this definitive
‘treaty is to be settled, is but eight months:
‘They cannot, perhaps, do us any great injury
‘in that time; but that term may be renewed,
‘may be often renewed, I believe it will be re-
‘newed from time to time, as long as some peo-
‘ple have any influence in our counsels; for I do
‘not believe it will ever be in their power to
‘make the *Spaniards* give up any right they pre-
‘tend to; and no *British* minister will ever dare
‘to grant them, by a solemn treaty, a right to
‘search *British* ships on the open seas, or a right
‘to prescribe to his Majesty’s subjects, what sort
‘of goods they shall be allow’d to carry in their
‘ships from one part of his Majesty’s dominions
‘to another. For this reason, I do not know,
‘but that our negotiations for a definitive treaty
‘may last as long as our negotiations for this pre-
‘liminary have continued, which I must look on
‘to be at least ten years; for these renewals or
‘continuations may be safely agreed to, because
‘they will not be much taken notice of, or re-
‘sented by the people; and during that whole
‘time, the *Spaniards* are to continue to exercise a
‘most unjust incroachment upon us, while we must
‘continue to suspend the natural right we have
‘to fortify and improve our own dominions.
‘As for the pretence, my Lords, that the
‘*Spaniards* have given up their right to search or
‘confiscate our ships, and have acknowledged
‘themselves in the wrong, by agreeing to pay us
‘damages and costs, I have already shewn that
‘they have not agreed, by this treaty, to pay
‘us any damages, but what they had before ac-
‘knowledge

' knowledg'd to be due; and I was surpriz'd to
 ' hear a learned Lord, who certainly understands
 ' what is meant by damages and costs, so far mis-
 ' take the matter, as to say, the *Spaniards* have
 ' agreed to pay costs. Our costs are the expences
 ' the nation was put to in warlike preparations last
 ' summer, which the *Spaniards* have not agreed to
 ' pay one shilling of; for whether these prepara-
 ' tions are to be called warlike measures or not,
 ' they certainly cost us a great deal of money; and
 ' in all nations but this, they look mighty like war:
 ' Even in this, till within these twenty years, they
 ' have generally been the certain harbinger of war;
 ' and will be so again, as soon as we begin to have
 ' a regard to our character abroad, or our econo-
 ' my at home.

' My Lords, I have this day, and upon this
 ' occasion, heard a distinction made by a learned
 ' Lord, between a right, and the enjoyment of a
 ' right. What the noble Lord meant by his dis-
 ' tinction, I cannot comprehend; for it is a dis-
 ' tinction which, I confess, I do not understand.
 ' I am sure no right is good for any thing unless it
 ' be enjoy'd, nor farther than it is enjoy'd; and I
 ' must think, that whilst a man prevents my en-
 ' joying my right, he, for that time at least, takes
 ' from me the right itself. But after the noble
 ' Lord had made this incomprehensible distinction,
 ' I was amazed to hear him say, there is no mat-
 ' ter of right now in dispute between *Spain* and
 ' us. Do not they say, they have a right to search
 ' our ships on the open seas? It does not signify
 ' to us what frivolous pretence they found that
 ' right upon: They do pretend to it, they have
 ' enjoyed it, by our tameness, for too many years.
 ' Do not they say, they have a right to seize and
 ' confiscate our ships, if they find any gold, silver,
 ' logwood, cocoa, or other goods on board, which
 ' they are pleas'd to call the produce of their set-
 ' tlements

' elements in *America*? It signifies nothing to us,
 ' what reason they give for setting up such a claim:
 ' They do pretend to it, and have actually exer-
 ' cised this right, even since this treaty was first
 ' set on foot; for they seized Captain *Vaughan's*
 ' ship on the 29th of *June* last, and have since
 ' condemned her, for no other reason, but because
 ' of her having some goods on board, which they
 ' said was the produce of their settlements, though
 ' it appear'd that he had taken them in at *Jamatta*.
 ' These, my Lords, are matters of right, which
 ' I hope our ministers dispute with them: I hope
 ' no *British* minister will ever dare to yield to them
 ' in either of these respects. And on the other
 ' hand, do not we say, we have a right to a free
 ' navigation in the *American* seas? Do not the
 ' *Spaniards* deny we have any such right? Do not
 ' they expressly say, we have no right to any na-
 ' vigation in those seas, but such as they have
 ' granted us by treaty? And that, they say, is on-
 ' ly to and from our own colonies, whilst our ships
 ' steer a direct course; which they, as sovereigns
 ' of the *American* seas, are to be the only judges
 ' of. This is the meaning they put on the 8th
 ' article of the treaty of 1670, which every man
 ' must be convinced of, that has read Mr. *de la*
 ' *Quadra's* letter to Mr. *Keene*, of the 10th of *Fe-*
 ' *bruary* was a twelvemonth: His words are, after
 ' having given an abstract of that article, ———
 ' That these words plainly shew the little grounds
 ' of the proposition you have advanced, that his
 ' *Britannick* Majesty's subjects have a right to a
 ' free commerce and navigation in the *West-Indies*,
 ' the only navigation that can be claimed by them
 ' being that to their islands and plantations, whilst
 ' they steer a due course; and their ships liable to
 ' seizure and confiscation, if it be proved that they
 ' have altered their rout, without necessity, in
 ' order to draw near to the *Spanish* coasts. ———"

' This,

This, 'tis true, my Lords, is a most false and
 ridiculous interpretation of that article; but this
 they have been prompted to insist on by our
 tameness, and by our puzzling the case with our
 negotiations.

From hence we must see, my Lords, that
 there are rights of great importance in dispute
 between *Spain* and us. They pretend to rights
 which we can never admit of, as long as we pos-
 sess a foot of ground, or have any trade, in the
West-Indies; and they deny us a right that every
 free state in the world has a just title to by the
 laws of nature and nations; and I will venture
 to prophesy, that without a war they will never
 give up the former, nor acknowledge the latter.
 We may negotiate as long as we please: We
 may conclude sham treaties and conventions, as
 temporary expedients for amusing our own peo-
 ple; but from our late conduct they have con-
 ceived such a contemptible opinion of us, that
 we must now fight them before we can expect
 any justice or satisfaction from them. This must
 at last be the case; but when this happens, it
 will not be those who then advise a war, but
 those who by their pusillanimous conduct have
 made it necessary, that ought to be blamed for
 having led the nation into a war. If we had
 properly resented the first insult, and had pe-
 remptorily insisted upon full satisfaction, we
 might have obtained it by peaceable means; but
 now, I'm afraid, it is become impossible: We
 must go to war before we can expect either satis-
 faction or quiet; and when we do, I hope it will
 be conducted with wisdom and vigour; for if we
 shew the same irresolute conduct in war, we have
 lately done in peace, if we seem afraid of hurting
 the enemy too much, like a senseless and spirit-
 less animal fallen into a mire, the longer we
 struggle, the deeper we shall sink, and may at
 last

‘ last come to be suffocated in the mud: Whereas,
‘ by a bold and vigorous push at first, we might
‘ have got through the quagmire, and thrown our-
‘ selves safe upon the opposite shore.

‘ Having now shewn, that our right to a free
‘ navigation in the *American* seas, is one of those
‘ rights that is disputed by *Spain*, we must from
‘ thence conclude, it is one of those rights, that
‘ is by this convention, to be regulated by pleni-
‘ potentiaries. That is to say, my Lords, it is to
‘ be given up by our plenipotentiaries; for if it be
‘ regulated, it must be destroyed: Every regula-
‘ tion must be a restraint, and that which is put
‘ under a restraint, can in no sense be said to be
‘ free. The right *Spain* pretends to, of searching
‘ our ships in the open seas; and the right they
‘ pretend to, of prescribing to us what sort of
‘ goods we may carry in our ships, from one part
‘ of the *British* dominions to another, are rights
‘ which, I hope, are now in dispute between *Spain*
‘ and us; and are therefore rights that are referred
‘ to be regulated by our plenipotentiaries. My
‘ Lords, if we agree to regulate them, we grant
‘ them; and if we grant them under any regula-
‘ tions, we can no longer pretend to a free naviga-
‘ tion or commerce in the *American* seas; there-
‘ fore, my Lords, I must look upon this article as
‘ an artful or indirect surrender (I shall not give it
‘ the name it deserves) of the most undoubted and
‘ the most valuable rights of the people of *Great*
‘ *Britain*. The learned Prelate who spoke some
‘ time ago, and the learned Lord who spoke since,
‘ have, indeed, upon this subject, shewn them-
‘ selves excellent advocates for *Spain*: I hope the
‘ *Spanish* plenipotentiaries will neither have so
‘ much eloquence, nor so many arguments; for,
‘ if they have, as I have no very great opinion of
‘ the capacity or qualifications of our own, I am
‘ afraid we shall come off with the worst. But
‘ their

' their arguments in favour of *Spain* have been so
 ' fully answered by the noble Duke that spoke af-
 ' ter the reverend Prelate, and the noble Lord,
 ' that spoke last but one, that I need not, if I
 ' could, add any thing to the answers they have
 ' made; therefore, I shall only wish that our ple-
 ' nipotentiaries had been here to have heard them,
 ' in order that they might have learned, how to
 ' defend the cause of their country, against the
 ' most artful arguments that can be made use of by
 ' its enemies.

' The only other right now in dispute between
 ' *Spain* and us, that seems to have been taken the
 ' least notice of in our late negotiations, is our
 ' right to *Georgia* and *Carolina*. This, the noble
 ' Lord who spoke last but two, has represented as
 ' a dispute about limits only; though every one
 ' knows the *Spaniards* have lately begun to dispute
 ' our right to *Georgia*, and even to a great part of
 ' *Carolina*, particularly our right to the former,
 ' which they so peremptorily deny, that they
 ' would not allow the name to be so much as
 ' mentioned in this convention; and as we have
 ' lately given that country the name of *Georgia*,
 ' not only by charter, but by authority of Parlia-
 ' ment, our accepting of an article about the re-
 ' gulation of limits, without mentioning our fron-
 ' tier province, will, I'm afraid, be considered by
 ' the *Spaniards* as a surrender of that province.
 ' We may, if we will, give up *Georgia*: We may
 ' give up *South-Carolina*, and yet say that the only
 ' dispute between *Spain* and us was about limits;
 ' because the *Spaniards* insisted, that the river
 ' *Podie* upon the borders of *North-Carolina*, was
 ' the proper limit between *Florida* and *Carolina*;
 ' whereas we insisted, that the river *Alatamaha*
 ' was the proper limit. This, I say, might be
 ' called a dispute only about limits; but if we
 ' should give up all the country lying between
 ' these

these two rivers, if we do not give up a right, I will say, we give up a very valuable possession. I have now shewn, my Lords, that, by this convention, we have obtained no reparation, and that, so far from obtaining future security, we seem to have, in some measure, given up every thing, upon which our future security can be founded. What, then, could induce us to accept of such an unsatisfactory, such a dishonourable preliminary? Which is a question that leads me of course to consider the present circumstances of *Europe* in general, and of this nation in particular. This, my Lords, I confess, is a subject which I touch on with reluctance; because, I am sure, it can afford no great comfort, either to the speaker, or to the hearer. The state of our affairs, both at home and abroad, I shall grant, is dismal enough; but I am sorry to hear it made more dismal than it really is, for the sake of justifying an inglorious treaty, or a dastardly submission to the most provoking insults. The affairs of *Europe* are, indeed, at present, in a situation not very favourable for this kingdom; but what is this owing to? It is owing, my Lords, to a ridiculous notion we took up about fifteen years ago, of the overgrown power of the house of *Austria*: A notion that could be instilled into us by nothing but *French* counsels; and who were the chief propagators of this pernicious notion, we may well remember. This notion produced the treaty of *Hanover*: A treaty calculated for dissolving an alliance, which we ought to have cultivated and strengthened with all our art; because it could be prejudicial to no state in *Europe* but *France* alone. And this treaty of *Hanover* drove us into that long chain of negotiations, treaties, and expence, by which we not only reunited the two branches of the house of *Bourbon*, but contributed at our own expence to aggrandize them.

‘ them. Our fleets were employed to give principalities to one of the branches of that house; and now we are told, you must not vindicate your rights or your honour against one of these branches, because it may be assisted by the other.

‘ My Lords, if this argument proves any thing, it proves too much; if we dare not revenge the affronts that are put upon us, nor repel the most unjust incroachments, for fear of *France*, we have nothing to do but lie down and die. It signifies nothing to put it off by patchwork and expedients for eight months longer. But this, my Lords, has been our method for several years: Like builders, that build a house to last only for the term of their lease: They build of rotten materials; and if they can by patchwork keep it up while they are in it, they do not care if it tumbles upon, and crushes the landlord under its ruins. A minister that has no credit or character abroad, nor any authority or affection among the people at home, must have recourse to patchwork and expedients. He can have no materials but the rotten hearts of sycophants and time-servers; and these must be kept together, at a great expence, by temporary expedients: He neither can, nor will think of building a solid and lasting fabrick; but, I hope the nation will never allow him to build for them; or if they should be so unwise as to allow him to erect a deceitful fabrick, that they will pull it about his ears, before he has time to enclose them; for if they should allow him to go on, he may so environ them with ruins, that it will hardly be possible for them to find their way out.

‘ I cannot easily believe, my Lords, that *France* will assist *Spain* in putting a yoke upon us, that may afterwards serve as a precedent for putting the same yoke upon themselves. The court of

‘ *France*

' *France* is seldom so short in its politicks. I am
' rather inclined to think, that the court of *France*
' will either endeavour to prevail on us to accept
' of sham treaties, and a precarious security, or,
' in case of a war, that they will endeavour to
' prevent our bringing it to a speedy issue, by a
' vigorous prosecution. I hope we shall take care
' not to be directed or dup'd by *French* counsels
' in either of these cases; for both will be de-
' structive to this nation, both will serve the ends
' of *France*: A precarious peace, or a languid
' war, will keep up a contention between *Spain*
' and us; and such a contention will contribute
' greatly to establish the trade of *France* upon the
' ruins of the trade of this nation. But suppose
' these two nations should unite against us, and
' that we have negotiated ourselves out of every
' alliance that can give us any assistance; yet still
' we must do the best we can. By a wise and vi-
' gorous conduct we might make both of them
' repent of their undertaking. They both de-
' pend greatly upon their trade and territories in
' the *West-Indies*, where we may be masters if
' we will; and though they have both of late
' got great additions of power by our blunders,
' yet they must not pretend to prescribe to all the
' powers of *Europe*. Such an attempt would bring
' back to us those allies, whom we have detach'd
' by our late conduct; and in that case, a confe-
' deracy might soon be formed, that would be
' able to prescribe laws both to *France* and *Spain*,
' instead of receiving laws from them. The pre-
' sent aspect of affairs in *Europe* is, 'tis true, dis-
' mal enough; but it is not yet so dismal as it
' was in the beginning of the year 1702; and
' every one knows the glorious success of the con-
' federacy that was then formed against *France*
' and *Spain*. But before we can expect any suc-
' cess either in war, or in forming confederacies,

‘ we must take care to unite our people amongst
 ‘ themselves, and to establish among them a con-
 ‘ fidence in the conduct of those that govern
 ‘ them; which, I am afraid, cannot be done by
 ‘ those who have spread disunion and distrust, not
 ‘ only amongst our allies abroad, but amongst
 ‘ our people at home.

‘ Our trade with *Spain*, my Lords, was once
 ‘ a profitable trade to this nation; but as *France*
 ‘ has lately got much into that trade, it is not
 ‘ near so profitable to us as it was. If it were
 ‘ not for our plantations, I believe we should be
 ‘ no great gainers upon the balance. We shall
 ‘ manage the war but ill, if we do not make
 ‘ more by a war with *Spain*, than we can do by a
 ‘ precarious and interrupted trade. But if it were
 ‘ otherwise, we cannot preserve our trade with
 ‘ that nation, or with any nation, but by pre-
 ‘ serving their esteem and their friendship; and
 ‘ these we must lose, if we submit tamely to their
 ‘ insults. These walls, my Lords, ought to put
 ‘ us in mind of the methods by which our an-
 ‘ cestors preserved the trade, and vindicated the
 ‘ honour of the nation. These shew it was not
 ‘ by negotiation, nor by lumping away the just
 ‘ demands of their country. I do not know, if
 ‘ there are any historical looms now at work, but
 ‘ I am afraid our *Spithead* and *Cartagena* expedi-
 ‘ tions would make as bad a figure in a piece of
 ‘ tapestry, as they will hereafter do in our
 ‘ histories.

‘ But I hope, my Lords, we have no such
 ‘ looms at work; It would be for the honour of
 ‘ the nation, if no memorandum could be pre-
 ‘ served of some of our past transactions; for we
 ‘ must alter our measures, before we can transmit
 ‘ to posterity what they can reflect on with satis-
 ‘ faction or emulation. If we had taken example
 ‘ from the conduct of a minister in a neighbour-

ing country, our affairs both at home and abroad, would have been in a very different situation: By encouraging trade and manufactures, by parsimony in publick expence, by not engaging needlessly in any broils, and by vindicating the honour of his country with resolution when there was occasion, he has rendered his country happy and himself glorious. But we have followed contrary measures, and by so doing have brought ourselves into that distress, which is now made the chief argument for our agreeing to this inglorious convention.

However, my Lords, I think the state of our affairs not yet so desperate, as that it ought to be a prevailing argument upon this occasion. I hope I have shewn, that the state of affairs in *Europe*, is not so bad as it has been represented; and as to our domestick affairs, can they improve by submitting to daily insults, and to usurpations that must destroy our trade? In such circumstances, can we pay off our debts, can we preserve our sinking fund? No, my Lords, by the decay of our trade, our people must every day become poorer, and less numerous: This will diminish our consumption; and this again will of course diminish the annual produce of our taxes: We may, by a more rigorous collection, keep it up to its old value for some years; but it will soon begin to sink considerably every year; and this will at last annihilate our sinking fund. We cannot therefore propose to pay off our debt, unless we preserve our trade; nor can we pay any debt, if in time of peace we must be at the expence of war, which was our case last summer, and may probably be so for many summers to come; for if great armaments and military preparations were necessary to procure a preliminary convention, surely they will be as necessary for

' procuring a definitive treaty ; therefore we must
 ' have a numerous army at land, and formidable
 ' squadrons, I mean in show, my Lords, at sea,
 ' till this treaty be concluded and ratified, which
 ' I am convinced will not be very speedily. In
 ' the mean time, as we have stipulated no suspen-
 ' sion, our merchants will be plundered, and our
 ' seamen cruelly used by the *Spanish Guarda*
 ' *Costas* ; which will of course render our people
 ' more and more discontented, and at last disaf-
 ' fected. Our people, 'tis true, may become more
 ' united ; but it will be against our established go-
 ' vernment ; and in that case, I hope, it will be
 ' allowed, that our domestick affairs would be in
 ' a worse condition than they are at present,
 ' and our government less able to carry on a fo-
 ' reign war, than our present government can be
 ' supposed to be.

' Our domestick affairs may therefore, my
 ' Lords, grow worse, but they cannot grow bet-
 ' ter, by our continuing in such a warlike peace,
 ' as we have continued in for almost these twenty
 ' years ; and we can expect no other sort of
 ' peace, till we retrieve our character, and esta-
 ' blish our security, which, I think, can now be
 ' done no other way but by a vigorous and well-
 ' conducted war. But suppose, my Lords, the
 ' state of affairs, both at home and abroad, were
 ' as dismal as it has been represented by those who
 ' have spoke in favour of this convention, could
 ' this be any reason for our suing for, or agreeing
 ' to such a treaty ? We were in no danger of be-
 ' ing attacked by *Spain* : We were not so much
 ' as threatned with any such attack : We wanted
 ' only satisfaction and reparation for past injuries,
 ' and security against future : Therefore we had
 ' no shadow of reason for agreeing to any treaty,
 ' that did not give us either the one or the other.
 ' By this we have obtained neither : We have ab-

solutely

‘ solutely released and given up the former; and
‘ we have rendered the latter more precarious than
‘ it was before. If we had made no treaty, no
‘ preliminary, *Spain* could only have continued to
‘ seize and confiscate such of our merchant-ships
‘ as they could meet with and overcome; and
‘ this they may still do, notwithstanding this
‘ treaty. What would have been the conse-
‘ quence? Suppose the nation at present absolute-
‘ ly unable to vindicate its rights or its honour by
‘ force of arms, yet we might have waited with
‘ patience till an opportunity offered, without be-
‘ ing exposed to suffer, in the mean time, more
‘ than we are now exposed to, notwithstanding
‘ this treaty; and when an opportunity offered
‘ for vindicating our rights and our honour by
‘ force of arms, we could then have insisted upon
‘ full reparation for all losses, all damage, all ex-
‘ pence, which we cannot now do; because, by
‘ this treaty, we have given a general release.

‘ I shall agree, my Lords, that this nation can
‘ never long want an opportunity for revenge
‘ against any nation in *Europe*. This is our hap-
‘ piness; but this ought to have been an argu-
‘ ment against our granting such a generous re-
‘ lease as we have granted by this preliminary.
‘ Besides, my Lords, it is an argument some
‘ people ought to be ashamed to mention, if they
‘ could be ashamed of any thing. It is almost
‘ twenty years since *Spain* set up every claim
‘ against us, they now pretend to: It is almost
‘ twenty years since they have been in a continued
‘ and uninterrupted course of insulting the nation,
‘ plundering our merchants, and maltreating our
‘ seamen; and ’tis strange, that in so long a time,
‘ we could find no opportunity for revenge, a-
‘ gainst a nation, which no man will say is by it-
‘ self an equal match for this. My Lords, we
‘ have had many opportunities; but we have
‘ neglected

‘ neglected them all, or have been prevailed on
 ‘ by *French* counsels, or worse, to make use of
 ‘ none of them. We had one about seven years
 ‘ since, which, it is amazing, we neglected; and
 ‘ the fatal consequences of that neglect now be-
 ‘ gin to appear; but, I’m afraid, they do not
 ‘ yet all appear: If they are not prevented by a
 ‘ change of measures in this kingdom, they may
 ‘ prove fatal to *Europe* as well as to *England*;
 ‘ and they cannot be prevented without an infinite
 ‘ expence to this nation, for which those who
 ‘ gave rise to them, ought, I hope, they will be
 ‘ made to answer.

‘ This shews, my Lords, that we ought not
 ‘ to have been so ready, I shall not say rash, in
 ‘ approving of treaties or negotiations, as we have
 ‘ been for several years past. We ought to ap-
 ‘ prove of no treaty without maturely consider-
 ‘ ing its terms and its consequences, as also the
 ‘ necessity there was for agreeing to it; for as
 ‘ every treaty is a new national obligation, no
 ‘ treaty ought to be agreed to, without some ne-
 ‘ cessity for so doing. And, I am convinced,
 ‘ that no man who maturely considers the treaty
 ‘ now before us, either in its terms, its conse-
 ‘ quences, or the necessity there was for our agree-
 ‘ ing to it, will approve of it in any shape. An
 ‘ immediate war is not the necessary consequence
 ‘ of our refusing to approve of it, by putting a
 ‘ negative upon this motion. His Majesty may,
 ‘ nevertheless, wait for a more proper opportuni-
 ‘ ty of declaring war. But if we should, in any
 ‘ shape, approve of this treaty, the demands
 ‘ which we may justly make, and fully obtain, in
 ‘ case of a successful war, will thereby be greatly
 ‘ diminished; therefore the motion which the no-
 ‘ ble Lord has been pleased to make, will, I hope,
 ‘ be disagreed to.

The Lord *Harvey* spoke next, to this effect, *viz.*

‘ My Lords,

‘ The noble Lords who have spoke before me, Lord *Har-*
 ‘ have said so much, and have expressed their *vey's* speech.
 ‘ sentiments so clearly, in favour of the conven-
 ‘ tion, that I cannot propose to say any thing
 ‘ new, or to say any thing better, upon the sub-
 ‘ ject. I shall, therefore, only take notice of
 ‘ some facts, which, I think, have been mista-
 ‘ ken, or misrepresented, by those who have
 ‘ spoke upon the other side of the question; and
 ‘ this I shall do without attempting any turns of
 ‘ wit, or any thing of what may be call’d flowers
 ‘ of rhetorick. If I were capable of making the
 ‘ best use of such a way of speaking, if I were
 ‘ as great a wit, and as great an orator, as ever
 ‘ appeared in the assemblies of the antient *Greeks*
 ‘ or *Romans*, the respect I have for your Lord-
 ‘ ships, would prevent my making use of it in
 ‘ this house; because, such a method of speak-
 ‘ ing I take to be fit only for assemblies that are
 ‘ led by their passions, and not governed by their
 ‘ reason.

‘ Last session of Parliament, my Lords, we
 ‘ strengthened, ’tis true, the hands of the crown,
 ‘ and I hope the present, and every future session
 ‘ will do the same, when there is the like occa-
 ‘ sion; but we must remember, that though we
 ‘ strengthened the hands of the crown, yet at
 ‘ the same time we recommended peaceable mea-
 ‘ sures; and therefore the power we then gave to
 ‘ the crown, was not to be made use of in any
 ‘ hostile manner, as long as there were hopes of
 ‘ obtaining satisfaction by amicable means. This
 ‘ was the intention, this was the advice of Par-
 ‘ liament; and according to this advice his Ma-

' jesty apply'd to the court of *Spain*, to see what
 ' could be done by way of negotiation. At the
 ' same time he made so far use of the powers
 ' granted him by Parliament, as to fit out several
 ' squadrons, and send them to their proper sta-
 ' tions, in order to convince the court of *Spain*,
 ' that we were ready to revenge, in case they
 ' should refuse or unreasonably delay giving us
 ' satisfaction; but it would have been contrary to
 ' the advice of Parliament, to have sent any of
 ' those fleets out, with instructions to begin hos-
 ' tilities. Such instructions might have been easily
 ' and speedily sent, as soon as his Majesty had
 ' found that nothing else would prevail; but to
 ' have given them such instructions, before he
 ' had made the least application for procuring
 ' justice and satisfaction in a peaceable way, would
 ' have been directly contrary to what was recom-
 ' mended to him by both houses, last session of
 ' Parliament.

' The fleet that was sent to the *Mediterranean*,
 ' my Lords, was properly and sufficiently pro-
 ' vided for answering all the ends that were in-
 ' tended by it, even though a war had broke out
 ' between the two nations; for even in that case,
 ' it would have been ridiculous in us to have ex-
 ' pended our strength, and put ourselves to a
 ' great charge, in attacking any of the *Spanish*
 ' dominions in *Europe*, where we could do them
 ' but little prejudice, and could reap no great ad-
 ' vantage to ourselves. That fleet, therefore,
 ' could only be designed for protecting our own
 ' possessions and trade in that part of the world,
 ' for intercepting any *Spanish* ships that should
 ' happen to escape our fleet in the *West-Indies*,
 ' and for preventing any supplies being sent from
 ' *Old Spain* to any of their colonies, or planta-
 ' tions in *America*; and for answering all these
 ' purposes, the fleet that was sent to the coasts of
 ' *Spain*,

‘ *Spain*, was sufficiently provided with every
‘ thing that was necessary.

‘ The *West-Indies*, my Lords, is the part of
‘ the world, where, in case of a war, we could
‘ do the most harm to *Spain*, and the most good
‘ to ourselves; and there, if we can but prevent
‘ any supplies being sent from *Old Spain*, we shall
‘ stand in need of no land forces being sent from
‘ hence. Our own colonies, upon the continent
‘ and in the islands of *America*, would soon fur-
‘ nish us with land forces sufficient for attacking
‘ *Spain* by land in that quarter, if we send a
‘ squadron of men of war sufficient to protect
‘ them at sea. But suppose it should be necessary
‘ for us to send land forces from hence; it would
‘ not be proper, because of the climate, to send
‘ them thither, till we were just ready to enter
‘ upon action, which could not be our case the
‘ beginning of last summer; because his Majesty
‘ was to try what could be done by peaceable
‘ means, before commencing hostilities, either in
‘ the *West-Indies* or in *Europe*. For this reason,
‘ it was necessary to send a squadron to the *West-Indies* for protecting our trade in the mean time,
‘ and in order to take land forces on board, as
‘ soon as any could be raised in our colonies, in
‘ case a war had become necessary; but it would
‘ have been contrary to the plan that was pre-
‘ scribed by Parliament, to have immediately be-
‘ gun hostilities; and therefore it was wrong to
‘ seize the *Spanish* register-ship, which the noble
‘ Lord was pleased to mention, and it was right
‘ in our Commodore to order her being restored.

‘ My Lords, as the court of *Spain* could not be
‘ ignorant of the advice that was given to his Ma-
‘ jesty by his Parliament last session, and as his
‘ Majesty, to our happiness and his own honour,
‘ has always made the advice of his Parliament the
‘ rule of his actions, they could not but suppose,
‘ that

' that the squadrons we sent out were instructed
 ' not to begin hostilities, till farther orders; but
 ' such orders, they knew, might soon be sent,
 ' such orders, they knew, would be sent imme-
 ' diately, upon their refusing to give ear to a
 ' friendly accommodation of those disputes, that
 ' subsisted between the two nations. This they
 ' were sensible of, and therefore, they not only ap-
 ' peared willing to do us justice, but have granted
 ' all that we could expect by a successful war; for
 ' even in case of a successful war, we must at last
 ' have agreed to preliminaries, before peace could
 ' be restored, and by those preliminaries we could
 ' expect no more than a full satisfaction for our
 ' losses, and an agreement to have all other dis-
 ' putes adjusted by a definitive treaty.

' But, my Lords, before I enter into the confi-
 ' deration of what we have got by peace, I must
 ' examine a little into what we could expect, or
 ' might have lost, by war; for though I have as
 ' great a confidence in the strength and courage of
 ' my country, as any man ought to have, yet I
 ' am not so sanguine, as to think, that we have
 ' victory chained to our chariot-wheel, or that we
 ' must be successful in every war we engage in;
 ' and, therefore, in all questions relating to war or
 ' peace, I think we ought to consider what we
 ' may lose, as well as what we may get, by a war.
 ' By a war with *Spain*, my Lords, we could not
 ' expect to make much by privateering, or by
 ' taking and making prize of their ships at sea.
 ' In case of a war with this nation, they would
 ' send no ships to sea, but small, light frigates by
 ' way of privateers, for intercepting such of our
 ' merchant-ships, as they found without, or strag-
 ' gling too far from a convoy; and though by
 ' taking such, we might prevent a loss and inter-
 ' ruption in our trade, yet we could not expect to
 ' reap any great benefit. Some people may, per-
 ' haps,

haps, imagine, that great advantages might be made by our intercepting their plate fleets, or the ships that are employed in their trade with their settlements in *America*, because none but *Spanish* ships can be employed in that trade; but even this would be precarious, and might, in several shapes, be entirely prevented; for if they should open that trade to the *French* and *Dutch*, it is what those two nations would be glad to accept of, and we could not pretend to make prize of a *French* or *Dutch* ship, on account of her being bound to or from the *Spanish* settlements in *America*, no more than we could make prize of her on account of her being bound to or from any port in *Spain*: We could not so much as pretend to seize any treasure or goods (except contraband) she had on board, unless we could prove, that those goods, or that treasure, actually belonged to the King or subjects of *Spain*, which it would be impossible to do. By this method, the *Spaniards* might render it impossible for us to seize any of their treasure or effects, in its passage between *New* and *Old Spain*; and even without opening a trade to their settlements, they might almost as effectually do the same, by means of the *Dutch* island of *Curassa*, and the *French* settlements in *Hispaniola*, or the island of *Martinique*; for these places lie so near the *Spanish* settlements in *America*, that it would be easy for the *Spaniards* to carry their treasure and effects, in their own ships, to one or other of these places, and to take from thence, what goods or merchandize they had occasion for, without running any great risk of being intercepted by our men of war, or privateers; and from these places the *Spanish* treasure and effects might be safely brought to *Spain*, in *French* or *Dutch* bottoms, and in the name of *French* or *Dutch* merchants.

Thus

‘ Thus it appears, my Lords, that in case of a
 ‘ war with *Spain*, we could not expect any great
 ‘ advantage by privateering, or by any prizes we
 ‘ could take at sea; and at land we could make no
 ‘ conquests. No man will pretend that, if it were
 ‘ in our power, it would be our interest to conquer
 ‘ any of the *Spanish* dominions in *Europe*; at least,
 ‘ I am sure, it would not be our interest to keep
 ‘ them, nor would it be our interest to give them
 ‘ to any other power in *Europe*. And as to their
 ‘ dominions in *America*, or the *West-Indies*, we
 ‘ have expressly promised, by the treaty of *Utrecht*,
 ‘ that they shall be preserved whole and entire to
 ‘ the present King of *Spain*, and his successors; so
 ‘ that by endeavouring to conquer any of them,
 ‘ we should not only commit a breach of that trea-
 ‘ ty, but likewise we should probably raise up a
 ‘ confederacy in *Europe* against us; for none of the
 ‘ powers of *Europe* would chuse to see us masters
 ‘ of the whole, or any part of the *Spanish West-*
 ‘ *Indies*.

‘ Therefore, my Lords, the only method by
 ‘ which we could propose to get any advantage,
 ‘ by a war with *Spain*, would be by making in-
 ‘ roads upon, and plundering their settlements in
 ‘ *America*; and this we should find much more
 ‘ difficult, than it was formerly. Their sea-ports,
 ‘ and inland towns in that part of the world, are
 ‘ now better fortified, and better provided with
 ‘ every thing necessary for making a stout defence,
 ‘ than ever they were heretofore; and yet, during
 ‘ the last war, I believe it cannot be said, that the
 ‘ nation got much by any inroads that were made
 ‘ upon them. The truth is, we never attempted
 ‘ to make any considerable inroads, or any con-
 ‘ quests, in that part of the world, because of the
 ‘ difficulty and expence of transporting a land army
 ‘ thither; and because we knew the climate to be
 ‘ very

‘ very unwholesome for any land army we could
‘ send thither.

‘ Having thus shewn, my Lords, that we can-
‘ not expect any great advantage from a war with
‘ *Spain*, let us next consider the dangers we would
‘ be exposed to. I shall be far from saying, upon
‘ this occasion, or upon any occasion, that we must
‘ not vindicate our rights, or our honour, against
‘ *France* or *Spain*, for fear of their joining together
‘ against us; but this I may venture to say, that
‘ when there is a probability of their joining toge-
‘ ther against us, at a time when the affairs of
‘ *Europe* are in such a situation, that we can form
‘ no confederacy against them, at a time when, if
‘ we engage in war, we must stand single and alone
‘ against these two powerful nations; I say, my
‘ Lords, at such a time it would be prudent in us
‘ to suspend our vengeance, if possible, till a more
‘ proper opportunity should offer; and this, I am
‘ afraid, is our case at present. If *France* should
‘ join with *Spain* against us, we would be exposed
‘ to many dangers, and it would be difficult to
‘ guard against them all. We are, it is true, at
‘ present, superior to both at sea; but as *France*
‘ has great numbers of seamen, they would soon
‘ get ships of war, if they were to be at no ex-
‘ pence in defending themselves at land; so that
‘ they might soon rig out a powerful squadron.
‘ On the other hand, as we are liable to be attack’d
‘ in several parts of the world, we must divide our
‘ naval force: We must send squadrons to different
‘ points of the compass, and every one of these
‘ squadrons must be superior to any that *France*
‘ and *Spain* can jointly fit out against us. As we
‘ have the misfortune to have a party amongst
‘ ourselves disaffected to our present establishment,
‘ a party much more considerable than some peo-
‘ ple seem willing to believe, we must keep a very
‘ powerful squadron at home, for preventing its
‘ being

' being in the power of our enemies to invade us.
 ' As we have a great trade and valuable possessions
 ' in the *Mediterranean*, we must keep a powerful
 ' squadron in that sea, for protecting our trade and
 ' our possessions in that part of the world. And
 ' as our plantations, especially our sugar islands,
 ' are of great consequence to our trade, and lie
 ' much exposed to be invaded, and perhaps de-
 ' stroyed, we must keep a powerful squadron in
 ' the *American* seas for their protection. To which
 ' I must add, that considering the alliance lately
 ' formed between *France* and *Sweden*, we might,
 ' perhaps, find ourselves under a necessity of send-
 ' ing a powerful squadron into the *Baltick*, for the
 ' defence of our allies, or for preventing an inva-
 ' sion from that quarter. And notwithstanding
 ' the great opinion we justly have of our naval
 ' force, and of the bravery of our seamen, I hope,
 ' I shall be excused, if I even express some diffi-
 ' dence of our being able to send a squadron to
 ' each of these places, sufficient for encountering
 ' the united force of *France* and *Spain*, perhaps
 ' the united force of *France*, *Spain*, and *Sweden*.
 ' But suppose, my Lords, that *France* should
 ' remain quiet, and no way interfere openly in the
 ' war between *Spain* and us: Suppose, no power
 ' in *Europe* should assist *Spain* in the war against
 ' us, yet we could not immediately reduce *Spain*
 ' to a necessity of complying with our just de-
 ' mands. The war between us might last for se-
 ' veral years; and while it lasted, the *French*
 ' would have a great advantage over us in every
 ' branch of trade we are, or can be, concerned in.
 ' Though the *Spaniards* have not many seamen of
 ' their own, yet, in case of a war with this nation,
 ' they would be in no want of seamen for fitting
 ' out a great number of privateers against us:
 ' *French*, *Dutch*, and perhaps, some of our own
 ' seamen, would engage in their service for that
 ' purpose;

purpose; so that the *Mediterranean*, the *American*, the *British*, and, in short, all the seas where we have any trade, would be full of privateers under *Spanish* colours. This would raise the price of insurance upon *British* ships higher than upon the ships of any other nation in *Europe*; and our merchant-ships would be often put to a great expence and delay, by being obliged to wait for a convoy; which would considerably enhance the charge upon all manufactures, or merchandize, sent by our own shipping to foreign markets. Let us consider, my Lords, that the *French* already undersel us in most of the manufactures we deal in, and that the freight of *Hamburg* ships, and some others, is now cheaper than that of *British*: If we consider this, we shall easily see the consequence, if we should add a new charge to the price of our manufactures at foreign markets, and make it more unsafe, or more expensive, to employ *British* ships, than those of any other nation, by engaging in war, when all the other trading nations of *Europe* are at peace: We should export no manufactures, no merchandize, at least we should export none in our own shipping: And what would then become of our trade and navigation?

This, my Lords, would be the consequence of a long war between the two nations, with respect to ourselves; and with respect to *Spain*, it would probably be entirely ruined. We might, perhaps, at last, force them to do us all the justice in their power; but they would be so exhausted, with the losses and expences of the war, that it would not be in their power to make any satisfaction for the damage they have already done us, or might do, during the war, and much less for the expences we have been, or might be, put to. Now, my Lords, though we have, at present, good reason to be offended with *Spain*, though

though we have good reason to insist upon satisfaction and security, yet it is not our interest to weaken the power of that nation; we ought rather to support it, as a balance against the power of *France*; for though the court of *Spain* may, perhaps, be at present too much swayed by *French* counsels, it will not always, it cannot long be so. The interests of *France* and *Spain* are as incompatible, as the interests of *France* and this kingdom; and therefore, as soon as the court of *Spain* begins to be swayed by true *Spanish* counsels, which some accidents may soon bring about, we may reasonably expect to have that nation for one of our best and firmest allies; and whenever that happens, they will gladly give us all the satisfaction and security we can desire, in order to gain our friendship, and to restore a mutual confidence between the two nations.

Both the circumstances of *Europe*, and the circumstances of *Spain*, are now, my Lords, very different from what they were in the reign of Queen *Elizabeth*, or in the time of *Oliver Cromwell*. In Queen *Elizabeth's* reign, *Spain* was the only formidable power in *Europe*, and we had as much reason, as any other of her neighbours, to endeavour to reduce her power. For this purpose, Queen *Elizabeth* took the wisest course that could be taken, by encouraging and supporting the civil war in the *Netherlands*, by which means, she at last enabled the *seven United Provinces* to throw off the yoke of *Spain*; and the whole power of *Spain* being applied towards supporting their dominion over the *Netherlands*, they could neither spare money for fortifying their settlements in *America*, nor could they send any regular troops thither for defending them; so that even our private adventurers had great success, and often got rich booties by privateering, and by incursions upon those settlements; for as there

was

‘ was no good correspondence betw^ee *France* and
‘ *Spain*, and an open war between *Spain* and *Hol-*
‘ *land*, the *Spaniards* could not make use either of
‘ *Dutch* or *French* vessels for carrying on their trade
‘ with their settlements in *America*; and beside,
‘ as the *French* were then involved in civil wars,
‘ they durst not venture to disoblige *England*, by
‘ assisting *Spain*, either openly or by underhand
‘ dealings.

‘ In *Oliver Cromwell’s* time, my Lords, we
‘ know that the *Spaniards* were engaged in a hea-
‘ vy war with *France*, which rendered them un-
‘ able to provide for the security of their trade
‘ and possessions in *America*; and though, by our
‘ taking part with *France* in that war, we got the
‘ island of *Jamaica*, which was a valuable acquisi-
‘ tion, yet I must think, it would have been lucky
‘ for this nation, if *Oliver* had joined with *Spain*
‘ against *France*, instead of joining with *France*
‘ against *Spain*; for it was his fatal union with
‘ *France*, that laid the foundation of the excessive
‘ power of that kingdom, which has since cost this
‘ nation so much blood, and so many millions.
‘ And now, my Lords, with regard to both these
‘ wars, I must observe, that notwithstanding our
‘ great successes against *Spain* in Queen *Elizabeth’s*
‘ reign, notwithstanding our great successes against
‘ *Spain* in *Oliver’s* time, yet that nation was not
‘ easily or soon reduced to comply with such terms
‘ as we thought reasonable; for both Queen *Eli-*
‘ *zabeth* and *Oliver Cromwell* left the war to be
‘ put an end to by their successors.

‘ Considering, therefore, my Lords, the little ad-
‘ vantage we can reap, and the great dangers we may
‘ be exposed to, by a war with *Spain*, I must think
‘ it would be not only unchristian, but impolitick
‘ in us to do them any real injuries, or to insist up-
‘ on unreasonable terms for accommodating those
‘ differences, that must unavoidably, some times,

' arise between the two nations. I shall not say,
 ' that either the precepts of Christianity, or the
 ' maxims of sound politicks, oblige us to heap
 ' coals of fire upon their heads, by returning good
 ' for evil; but this I will say, that we ought at all
 ' times, and especially the present, to be more rea-
 ' dy to forgive *Spain* than any other nation in *Eu-*
 ' *rope*, and consequently, we ought to insist less
 ' upon the point of honour, and accept of a less
 ' ample satisfaction, with regard to any injuries
 ' that may be done us by the *Spaniards*, than with
 ' regard to the injuries we may receive from any
 ' other nation in the world. Even in private life,
 ' a man would sooner and more easily pardon an
 ' injury done him by a relation, or old friend,
 ' than an injury done him by an utter stranger, or
 ' by one with whom he never had, nor ever ex-
 ' pected to have, any cordial friendship.

' This, my Lords, leads me of course to consi-
 ' der, what we have got by the convention now
 ' under our consideration; and here, my Lords; I
 ' must say, I am surprized to hear it affirmed, that
 ' we have got no more by this convention, than
 ' what the King of *Spain* had before allowed to be
 ' due. To support this assertion, we have been
 ' told that the *Spaniards* had not one shilling to
 ' demand of us; and that the 95,000 *l.* was not
 ' to be paid by them, unless our *South-Sea* compa-
 ' ny first paid them, or made them a present, as
 ' it was called, of 68,000 *l.* but both these facts
 ' must appear to have been very much misrepre-
 ' sented. The *Spaniards* certainly made a very
 ' great demand upon us: A demand that far ex-
 ' ceeded 60,000 *l.* They demanded full reparation
 ' for all the damage we did them in the year 1718,
 ' which, according to their way of reckoning,
 ' would have amounted to more than ten times
 ' 60,000 *l.* for they said that, though his Catholick
 ' Majesty had agreed, by the treaty in 1721, to
 ' accept

‘ accept of restitution of the ships we had actually taken from him, yet he had not by that, or any other treaty, given up his claim for the other damages we had done him; and that, if he had, he was not obliged to stand to it, because we had not complied with the restitution stipulated by that treaty. Whether this demand was just or not, is what I shall not take upon me to determine; but it was certainly made, and strongly insisted on by *Spain*; and if we got them to agree to reduce it to 60,000*l.* I must think it was prudent in us to allow them, by way of a friendly accommodation, to deduct that sum out of what was due to our merchants, on account of the depredations committed by their subjects in the *American* seas. ’Tis true, we do not receive this sum in ready money, but, I think, it is more beneficial to us than if we did; because, by allowing it to be deducted, we get free of a demand which amounted to a great deal more, and which would have been a perpetual bone of contention between us and a people with whom we ought, if possible, to cultivate a good correspondence.

‘ Now, my Lords, with regard to the 68,000*l.* claimed by *Spain* from our *South-Sea* company, I cannot comprehend how any one can imagine, that the court of *Spain* is resolved not to pay the 95,000*l.* stipulated by this convention, unless this 68,000*l.* be first paid to them by our company. I am sure there is no such condition in the convention. Our *South-Sea* company have nothing to do with the convention, all accounts and differences between them and the crown of *Spain* being expressly excepted, in that very article by which the 95,000*l.* is stipulated, and the company not so much as once mentioned in any other part of the treaty. Even his Catholick Majesty’s declaration, or protestation, does not

‘ subject the payment of the 95,000*l.* to any such
 ‘ condition; for all that was meant by that pro-
 ‘ testation was, to preserve to his Catholick Ma-
 ‘ jesty his right to suspend the *assiento* contract,
 ‘ in case the company should fail in performing
 ‘ their part of that contract; which right was esta-
 ‘ blished in his Catholick Majesty and his succes-
 ‘ sors, not only by the very nature of the contract
 ‘ itself, but by the exprefs words of the conclusion
 ‘ or ratification of that contract, his Catholick Ma-
 ‘ jesty’s words being, “ And I promise and assure,
 “ upon my faith and royal word, that, *provided*
 “ *the company of England perform this contract on*
 “ *their part, so far as concerns them, and as they*
 “ *are obliged, I will perform it on my part.*”

‘ Thus it appears, my Lords, that the payment
 ‘ of the 95,000*l.* is not by this convention, nor
 ‘ even by the King of *Spain*’s protestation, to be
 ‘ delayed, much less denied, on account of our
 ‘ *South-Sea* company’s not paying the 68,000*l.*
 ‘ claimed from them by *Spain*. Therefore it is
 ‘ not our business, upon the present occasion, to
 ‘ enquire whether that claim be just or no. The
 ‘ company may have greater claims upon the
 ‘ crown of *Spain*, and yet *Spain* may think them-
 ‘ selves justified in not admitting of compensation;
 ‘ for as the claim the company has upon the crown
 ‘ of *Spain*, proceeds from the seizure of their ef-
 ‘ fects in the years 1718 and 1727, which have
 ‘ not yet, according to treaties, been fully restored;
 ‘ and as the court of *Spain*’s claim upon the com-
 ‘ pany proceeds entirely from the *assiento* trade,
 ‘ there may, from the very nature of compensation,
 ‘ be some reason not to admit of it in this case;
 ‘ because the King of *Spain* may alledge, that by
 ‘ restoring the very effects that were seized, he may
 ‘ still free himself from the payment of any money,
 ‘ or he may say that what is due by him on that
 ‘ account, is not yet fully settled and ascertained,

‘ and

‘ and that, therefore, he cannot allow it in compensation of a nett sum which, he says, the company has confessed to be due to him. My Lords, I do not say, that any of these arguments are just, I only mention them to shew, that none of our disputes with *Spain* are so clear, or so easily adjusted, as some have been pleased to represent.

‘ I hope it will now appear to your Lordships, that we are, by this convention, to receive the full sum of 95,000*l.* from *Spain*, and that to this sum we ought to add the 60,000*l.* we have allowed, for which *Spain* has given up a demand she had upon us of a much larger extent; therefore we must allow, that the reparation granted us by this convention for our losses before Dec. 10, 1737, amounts to the full sum of 155,000*l.* which is more than 15*s.* in the pound of what we really lost; and before I heard of this treaty, I should have thought him a very unreasonable merchant, and a very bad countryman, that had told me, he would not willingly accept of 15*s.* in the pound in full of what he had lost, rather than see his country involved in a war against *Spain*, and at such a juncture. I say, my Lords, that 155,000*l.* the sum we are to receive by way of reparation, amounts to more than 15*s.* in the pound upon our real loss; because our own commissaries did not value it at more than 200,000*l.* and I have heard no good reason given, why we should discredit their report, nor do I believe, from the character I have heard of the gentlemen, that they would have received, much less obeyed, any instructions, by which they were enjoined not to admit of those demands, which appeared to them to be reasonable and just: The *Spaniards*, we know, make heavy complaints against them, for having admitted of the most extravagant claims, and for refusing no claim that was laid before them; so that, like good ar-

‘ bitrators, they are blamed by both sides, which
 ‘ is seldom a sign of injustice. As for the five
 ‘ ships mentioned in the 4th article of this con-
 ‘ vention, they were included in the 200,000*l.*
 ‘ at which our losses were valued by our com-
 ‘ missaries; and therefore, if any part of any of
 ‘ them has been restored, the value ought in
 ‘ justice to be deducted out of the 95,000*l.* to be
 ‘ paid to us, by *Spain*, for our losses in general.

‘ We are so far, my Lords, from having ob-
 ‘ tained no reparation, that, I think, I may now
 ‘ venture to say, we have obtained, by this con-
 ‘ vention, a more ample reparation than was ever
 ‘ obtained by this nation in any former prelimina-
 ‘ ry treaty. Even in *Oliver Cromwell’s* time, by
 ‘ the treaty of peace, after the war we then had
 ‘ with the *Dutch*, he accepted, by way of pre-
 ‘ liminary, of an immediate payment of 10,000*l.*
 ‘ in part of satisfaction for a great number of
 ‘ *British* ships that had been seized and detained
 ‘ in the dominions of the King of *Denmark*.
 ‘ This, my Lords, was all he insisted on by the
 ‘ treaty, though it was not near equal to the loss
 ‘ we had sustained, the rest being referred to be
 ‘ settled by commissaries respectively appointed by
 ‘ the two republicks; and yet it must be allowed,
 ‘ that no man ever insisted more strenuously upon
 ‘ the rights and privileges of his country, and
 ‘ that he had the good fortune to live at a time,
 ‘ when none of our neighbours were in any to-
 ‘ lerable condition to engage in war, or to form a
 ‘ confederacy against us.

‘ Having now shewn, my Lords, that we
 ‘ have got, by this convention, as ample a satis-
 ‘ faction for past losses as any reasonable man
 ‘ could expect, I shall beg leave to consider, as
 ‘ briefly as I can, what is stipulated, with regard
 ‘ to our future security; and upon this head I
 ‘ shall first observe, that from the nature of the

‘ dispute between *Spain* and us, we could not expect that it was possible to provide, properly or fully, for our future security by preliminary articles. The *Spaniards* do not pretend to deny our right to a free navigation upon the open seas of *America*; but the dispute between us is, what shall be reckoned the open seas of *America*. They say, that their coasts cannot be called open sea; and that therefore, if any one of our ships come upon their coasts without necessity, they have a right to search her, in order to see whether she has been concerned in any illicit trade with their settlements: They say farther, that their coasts in *America*, as well as their coasts in *Europe*, are within their own dominions; that they have a power to make what regulations they please within their own dominions; and that therefore, they have a power to regulate what shall be deemed testimonies of a ship’s having been concerned in an illicit trade, if such ship be found upon their coast. Now, my Lords, that every nation has a sort of a right to, and a dominion over, what may properly be called their own coasts, is what, I believe, no man that understands any thing of the law of nations will deny; but the question is, how far out at sea these coasts shall extend; and as this is a question that has not yet been determined by any treaty between *Spain* and us, it must be very particularly enquired into, before any settlement can be made by a new treaty. There may be reasons for confining the coast within much narrower bounds in some seas than in others. In those seas where the common course of navigation lies very near the shoar, the coast of the neighbouring country must be very much confined; and in those seas, where the common course of navigation never approaches near the shoar, the neighbouring country, or
F f 4 ‘ state,

state, may be allowed to extend their coasts to a greater distance at sea.

These considerations, my Lords, shew how difficult it will be to regulate what the *Spaniards* may be allowed to call their coasts in the *American* seas, what may be called a necessity for a ship's approaching their coasts, and what may be called proper testimonies, or proofs, of a ship's having been concerned in an illicit trade; and no man who considered these difficulties could expect, that they could be removed in a short time, or by a preliminary treaty. The negotiators on both sides will certainly be obliged to send to the *West-Indies*, in order to have proper information from those, who are perfectly acquainted with the navigation in those seas; and both may, perhaps, be obliged to send a second time, in order to have those difficulties answered, or removed, that may be started upon the first conferences. It is not our right to a free navigation in the open seas of *America*: It is not our right to carry in our ships what goods we please from one part of his Majesty's dominions to the other: It is the right the *Spaniards* have to take methods, and to prescribe rules, within their own dominions, that is to say, upon their own coasts, for preventing an illicit trade with their settlements in *America*, that is to be regulated by the plenipotentiaries respectively named by this convention; and in this, our plenipotentiaries, if they were inclined, can do us no injury; because the regulations they agree to can be of no force, till they are ratified by his Majesty.

Whatever some Lords may think of the distinction between a right and the enjoyment of that right, however incomprehensible they may think it, I must look on it as a just and a proper distinction; for a man may have a right

‘ right to an estate, and yet his enjoyment, of
‘ that right may be regulated, or even restrained,
‘ by some right or privilege granted to another.
‘ We have a right to a free navigation in the
‘ seas of *America*; but we have, by the treaty in
‘ 1670, granted the *Spaniards* an exclusive right
‘ to the trade with their own settlements in that
‘ part of the world; and therefore we have, ac-
‘ cording to an established maxim in law, granted
‘ them every thing that is necessary for the en-
‘ joyment of that exclusive right. For this pur-
‘ pose they say, that they must search such fo-
‘ reign ships as approach their coasts without any
‘ necessity, and must make them liable to confisca-
‘ tion, if any thing should be found on board,
‘ that is the proper produce of their settlements;
‘ because, without this, it would be impossible
‘ for them to exclude foreigners from carrying on
‘ a trade with their settlements; and if this privi-
‘ lege should be allowed them, as a consequence
‘ of the exclusive right we have agreed to by the
‘ treaty in 1670, it would be a sort of restraint
‘ upon our enjoyment of the right we have to a
‘ free navigation in the seas of *America*. I am
‘ far from granting, my Lords, that there is any
‘ foundation for this pretence. I do not think,
‘ that such a privilege is absolutely necessary for
‘ enabling them to enjoy their exclusive right;
‘ but if it were, they would have some reason for
‘ insisting upon it; and whether it be so or not,
‘ is a question that could not be enquired into in a
‘ short time, and consequently, could not be deter-
‘ mined by a preliminary article.

‘ These are the disputes, my Lords, upon
‘ which our future security depends; and as these
‘ disputes are of such a nature that they could
‘ not be settled in a short time, therefore we could
‘ not expect, that our future security could be
‘ provided for any other way than it is by this
‘ preliminary

‘ preliminary convention; nor could we in this
 ‘ case stipulate any suspension: We could not sti-
 ‘ pulate, that they should suspend searching our
 ‘ ships upon the high seas; because it is what
 ‘ they never pretended to: Such a stipulation
 ‘ would really have been a sort of acknowledg-
 ‘ ment, that our right to a free navigation on the
 ‘ open seas of *America* was a disputable point;
 ‘ and if we had desired them to suspend taking
 ‘ those measures, which they think absolutely ne-
 ‘ cessary for preventing an illicit trade, they would
 ‘ have look’d on it as the demand of a privilege
 ‘ to carry on such a trade, till the definitive trea-
 ‘ ty should be concluded, which is a demand we
 ‘ could not expect they would grant. Besides,
 ‘ we had no occasion to demand any suspension
 ‘ in this case; because, during the eight months
 ‘ in which this affair is to be finally determined,
 ‘ we shall have a Squadron in the *West-Indies*, that
 ‘ will be sufficient to protect our trade, against
 ‘ any injustice that can be committed by their
 ‘ *Guarda Costa’s*.

‘ As for the article that relates to settling limits
 ‘ between *Florida* and *Carolina*, I am surprized,
 ‘ my Lords, to hear it found fault with. We
 ‘ have got more by that article, than we could
 ‘ ever before get by any treaty between us and
 ‘ *Spain*; for by that article, we have got them to
 ‘ acknowledge by name, our right to *Carolina*;
 ‘ and though we now give the name of *Georgia*
 ‘ to the southern parts of *Carolina*, yet as *Georgia*
 ‘ was formerly a part of that country to which in
 ‘ general we gave the name of *Carolina*, I think
 ‘ this article implies an acknowledgment of
 ‘ our right to *Georgia*, and shews that the *Spa-*
 ‘ *niards* do not dispute with us our right to that
 ‘ province, but only the limits between what we
 ‘ now call *Georgia*, and what they and we call
 ‘ *Florida*. They may perhaps pretend, that we
 ‘ have

‘ have extended our settlements in *Georgia* too
‘ much towards the southward, and by that
‘ means have incroached upon their territories in
‘ *Florida* ; but from this article it cannot so much
‘ as be presumed, that they intend to dispute our
‘ having a right to any part of *Georgia* ; and if
‘ they should, our plenipotentiaries may refuse to
‘ treat with them upon such terms, for by this ar-
‘ ticle they are laid under no obligation to do so.
‘ Here, indeed, the very nature of the dispute
‘ made a suspension necessary ; but I must observe,
‘ that this suspension is mutual ; for the *Spaniards*
‘ are obliged to suspend increasing their fortifica-
‘ tions, or taking any new posts, in *Florida*, as
‘ much as we are in *Carolina* ; and as limits be-
‘ tween frontier provinces are generally referred to
‘ be settled by commissaries after a definitive trea-
‘ ty is concluded, I am sure no fault can be found
‘ with referring the limits between these two pro-
‘ vinces to be settled by plenipotentiaries, named
‘ and appointed by a preliminary.

‘ I have now shewn, I hope, my Lords, that
‘ by this convention we have got all we could
‘ reasonably expect by a preliminary ; from whence
‘ it must be presumed, I think, that we are in a
‘ fair way of getting all we can reasonably de-
‘ mand, by the solemn treaty that is to be con-
‘ cluded in pursuance of this preliminary, within
‘ the space of eight months, which is the shortest
‘ time that could be given for settling those dis-
‘ putes, which still subsist between us and *Spain*.
‘ Therefore, if the affairs of *Europe* were in as
‘ favourable a situation as we could wish, if our
‘ own circumstances were as happy as we could
‘ desire, it would have been imprudent in us to
‘ have begun hostilities, when we found the court
‘ of *Spain* so well inclined to give us all rea-
‘ sonable satisfaction : His Majesty would have
‘ acted contrary to the advice given him last
‘ session

‘ session by his Parliament, if he had refused to
 ‘ accept of such a preliminary convention. By
 ‘ commencing hostilities we might, perhaps, have
 ‘ added to our glory, and might have given more
 ‘ satisfaction to those, who delight in strife and
 ‘ contention, as well as to men of desperate for-
 ‘ tunes, who want to fish in troubled waters; but
 ‘ these sorts of men are such as no wise govern-
 ‘ ment will endeavour to satisfy, and every one
 ‘ knows, that the happiness of a country is di-
 ‘ stinct from, and often inconsistent with its
 ‘ glory. The late King of *Sweden*, by seeking
 ‘ his own glory in war, raised it to a very high
 ‘ pitch, but he ruined, he dispeopled his coun-
 ‘ try; and if we follow the example of Cardinal
 ‘ *Fleuri*, (for I think I may name him) which
 ‘ the noble Lord that spoke last has been pleased
 ‘ to recommend to us, we shall never go to war
 ‘ without an absolute necessity; for he has pro-
 ‘ cured more happiness for his country, and ac-
 ‘ quired more glory to himself, than the late
 ‘ *French* Monarch did by all his wars, and by all
 ‘ the tapestry or historical looms he set to work,
 ‘ assisted by an infinite number of poems, pane-
 ‘ gyrics, and pieces of painting, which he pro-
 ‘ cured at a vast publick expence, for celebrating
 ‘ the heroick actions he performed by his generals
 ‘ and his armies; for whatever share he might
 ‘ claim in the glory, I think he took care never
 ‘ to have any share in the danger.

‘ I say, my Lords, if the affairs of *Europe*,
 ‘ as well as our domestick affairs, had been in the
 ‘ best situation, it would have been imprudent in
 ‘ us to have engaged in war, especially against
 ‘ *Spain*, when we found ourselves in so fair a way
 ‘ of obtaining all we could desire by peaceable
 ‘ means; but as neither our own affairs, nor the
 ‘ affairs of *Europe*, can be said to be at present in
 ‘ a very favourable situation, it was certainly our
 ‘ business

‘ business to avoid engaging in war, at this jun-
‘ ture, if possible. What this situation may be
‘ owing to, I shall not take upon me to deter-
‘ mine; but with respect to our domestick af-
‘ fairs, I am sure, the situation they are in is not
‘ owing to any late mismanagement here at home.
‘ The debts and the taxes we are at present load-
‘ ed with, are known to be the unhappy relics
‘ of the last heavy war we were engaged in a-
‘ gainst *France* and *Spain*. We have never since
‘ engaged in any war, we have been put to no
‘ expence, but what has been authorized or ap-
‘ proved by Parliament, as being absolutely ne-
‘ cessary for the current service; therefore, if we
‘ have paid off but a small part of the debt we
‘ incurred during that war, it can proceed from
‘ no mismanagement, but from a tender regard to
‘ the people, which prevented our loading them
‘ with more taxes than were absolutely necessary
‘ for paying the interest growing due to the credi-
‘ tors of the publick, and for defraying that ex-
‘ pence which the Parliament, from year to year,
‘ thought necessary for the publick service.

‘ And with regard to the present situation of af-
‘ fairs in *Europe*, it may, for what I know, my
‘ Lords, be owing to the ambition of one court,
‘ and the pride and obstinacy of another; but I
‘ am sure it can be no way justly imputed to the
‘ bad conduct of any of those who are now, or
‘ have lately been, employed in the administra-
‘ tion of our publick affairs. Our ministers are
‘ neither the masters nor the directors of the
‘ counsels of foreign Princes or States; and there-
‘ fore, cannot be justly made to account for their
‘ actions or behaviour. They may be made to
‘ account for their own; but with regard even to
‘ their own behaviour, we ought not to judge of
‘ their measures by the event, we ought to con-
‘ sider them in the light they appeared in when
‘ taken:

‘ taken: It is easy to find fault with past mea-
‘ sures, when cross accidents happen that could
‘ not be then foreseen, or when time clears up
‘ facts that could not be then discovered; but
‘ whatever our late measures may have been with
‘ regard to foreign affairs, those who advised
‘ them have had the good fortune to have every
‘ step of their conduct approved of by Parlia-
‘ ment. Even the late treaty of *Hanover*, which
‘ some people now pretend to find fault with,
‘ was approved by Parliament; and I still think
‘ it deserved the approbation it met with; for by
‘ the treaty between the Emperor and *Spain* in
‘ 1725, they had certainly both formed projects
‘ against the trade or the possessions of this na-
‘ tion: The Emperor had formed a project of
‘ establishing the trade of *Flanders* upon the ruins
‘ of the trade of this kingdom; and the court of
‘ *Spain* had formed a project for wresting from us
‘ the important fortresses of *Gibraltar* and *Port-*
‘ *Mahon*. Against these projects, the best, in-
‘ deed the only measure we could take, was the
‘ defensive alliance we entered into with *France*,
‘ by the treaty of *Hanover*; and this accordingly
‘ put an end to the ambitious projects both of
‘ the Emperor and *Spain*; or at least the mea-
‘ sures we took in pursuance of that treaty, pre-
‘ vented their being able to carry any of them
‘ into execution. The measures we took upon
‘ the breaking out of the late war between *France*
‘ and the Emperor, had likewise the good for-
‘ tune to be authorized or approved by Parlia-
‘ ment, and, I think, with great reason. We
‘ had then no demands either upon *France* or
‘ *Spain*, at least none that either of them had ex-
‘ pressly refused to comply with; therefore, from
‘ our own interest, we had no call to engage in
‘ that war, unless it had been pushed so far as to
‘ endanger the balance of power in *Europe*; and
‘ surely,

‘ surely, we are not obliged to support the court
 ‘ of *Vienna* in all the ambitious projects they may
 ‘ form, nor were we obliged to assist them in a
 ‘ war they had brought upon themselves, by en-
 ‘ deavouring to prescribe rules to an independent
 ‘ kingdom, in the election of its Sovereign.

‘ Thus, my Lords, I have stated in a proper
 ‘ light, those facts which, I think, have been
 ‘ very much mistaken by some Lords who have
 ‘ spoke in this debate; and I have endeavoured
 ‘ to do it with that plainness and simplicity, which
 ‘ becometh the dignity of this house. If wit
 ‘ and eloquence could have any weight with your
 ‘ Lordships, those who have spoke upon the
 ‘ other side of the question could not have failed
 ‘ of persuading; but, I think, it is a bad com-
 ‘ pliment to your Lordships judgment, to at-
 ‘ tempt to persuade by such means: I know your
 ‘ Lordships caution and penetration, and there-
 ‘ fore, if I could, I should not attempt to impose
 ‘ upon your judgment by wit or eloquence, espe-
 ‘ cially in the present question; because the side
 ‘ on which I speak, stands in need of none of
 ‘ the arts of persuasion: If it be viewed in its
 ‘ true and natural light, like truth, it must be
 ‘ irresistible.’

Lord *Batburst* stood up next, and spoke to the effect as follows, *viz.*

‘ My Lords,

‘ In what I have to offer to your Lordships
 ‘ upon the subject now under our consideration, Lord *Ba-*
tburst’s
speech.
 ‘ I shall not so much as attempt any sort of rhe-
 ‘ torical stile: I have, indeed, I think, much
 ‘ less occasion for it than the noble Lord who
 ‘ spoke last; for facts speak themselves, and all
 ‘ the facts that relate to the present question, are
 ‘ so plainly against that side which his Lordship
 ‘ seemed

' seemed to favour, that he must pardon me, if I
 ' think, he could have said but very little, if he
 ' had made no use of any of the arts of elo-
 ' quence. If it were possible to imagine that wit
 ' or eloquence could have any influence upon this
 ' house, I should have but little encouragement to
 ' think myself capable of either; for in all the
 ' important questions that have happened, almost
 ' ever since I had a seat here, the majority has
 ' generally been against that side of the question,
 ' on which I had the misfortune to speak; yet I
 ' always thought I had reason on my side; but
 ' as I now think, I have a great deal more reason
 ' than ever I had upon any former occasion, I
 ' hope to meet with a different fate. That there
 ' are assemblies which are led by their passions,
 ' and that in such assemblies only the arts of elo-
 ' quence can be of service, I shall readily grant;
 ' but I must observe, that as some passions are to
 ' be led by the sense of hearing, there are others
 ' which are to be led by the sense of feeling
 ' alone; and if I were not fully convinced that
 ' the members of this assembly are governed by
 ' reason, and by nothing else, I should never at-
 ' tempt to speak, because I know myself as little
 ' capable of touching those passions, that are to
 ' be led by feeling, as I am of touching those
 ' that are to be led by hearing.

' My Lords, when we granted those extraor-
 ' dinary powers that were given last session to the
 ' crown, I believe none of your Lordships meant, I
 ' am sure I did not imagine, that in consequence of
 ' that grant, the nation was to be put to any extra-
 ' ordinary expence, as long as there were the least
 ' hopes left of an accommodation. These hopes,
 ' I knew, might have been determined by the re-
 ' turn of one courier: They ought to have been so,
 ' considering how far the season of the year was
 ' advanced, and the danger our navigation and
 ' commerce

‘ commerce lay exposed to in the mean time. It
‘ was only sending orders by a courier to our mi-
‘ nister at the court of *Spain*, to have put two or
‘ three plain questions to that court, by way of
‘ *ultimatum*, and to have insisted on a speedy and
‘ categorical answer. This, I knew, might have
‘ been done in three or four weeks; and, there-
‘ fore, when I heard of our great naval prepara-
‘ tions, I expected nothing but war: I expected
‘ that some of my honest neighbours in the coun-
‘ try would be relieved from the burden of quar-
‘ tering soldiers; because I made no doubt but that
‘ a large body of our troops would be embarked
‘ on board our fleet, and sent where they might
‘ be of some service to their country. I little
‘ thought that this session of Parliament would
‘ have opened with a sort of treaty or convention,
‘ that gives us neither war nor peace, nor any
‘ thing, in my opinion, but shame and confusion.

‘ Indeed, when I heard our squadrons were fail-
‘ ed, and found, by the complaints of my neigh-
‘ bours, that our troops remained, I cannot say
‘ quiet, in their quarters, I began to suspect some
‘ new *Carthagena* expedition. I began to fear that
‘ our sham war would end in a sham peace; and
‘ now I find my fears were not without founda-
‘ tion. But, my Lords, if we had obtained as
‘ honourable a treaty as ever was concluded by
‘ this or any nation, I would nevertheless have
‘ ventured to have said, that the expence we put
‘ ourselves to, the squadrons we fitted out, had no
‘ share in obtaining it; for surely those fleets, those
‘ warlike preparations, that can do no considerable
‘ harm to an enemy in case of a war, can have no
‘ influence in obtaining a peace. Our squadron
‘ sent to the *Mediterranean* was, it seems, designed
‘ to be a harmless squadron; and that which was
‘ sent to the *West-Indies*, ’tis allowed, must have
‘ been so, till they got some land-forces on board,

‘ for which no preparations were made, either at
‘ home or in our plantations. But we are told,
‘ that land-forces might soon have been raised in
‘ our plantations, which is a fact I very much
‘ doubt of: We have, as yet, but few spare hands
‘ in any of our plantations, and to have taken men
‘ from that valuable labour, in which our planters
‘ and their servants are always employed, would
‘ have been a great loss to our trade. It would
‘ have been much better to have sent eight or ten
‘ thousand of the idle fellows we have at home, to
‘ some of our most healthful plantations, in order
‘ to have been there ready at a call; for the difference
‘ of the climate is so far from being an argument
‘ against, that it is a strong argument for
‘ sending them thither some months before we
‘ have use for them, that they may have time to
‘ be seasoned to the climate, and to recover from
‘ the fatigues of a long voyage, before they are
‘ sent upon any expedition against an enemy.

‘ This, my Lords, would have had a greater
‘ influence upon the court of *Spain*, than all the
‘ men of war we fitted out; for I must think it
‘ was a very extraordinary sort of management,
‘ to fit out above a hundred sail of men of war,
‘ against a nation that cannot send thirty capital
‘ ships to sea. Therefore, if the court of *Spain*
‘ was to be frightened or threatened into terms, we
‘ ought to have sent out regiments of foot, instead
‘ of most of the men of war that were fitted out;
‘ and if that court was not to be threatened, there
‘ was no occasion for putting ourselves to any expence
‘ till a war was actually resolved on. As
‘ they have but few ships at sea, and those they
‘ have, hard to be met with in such a wide ocean
‘ as that between *Spain* and *America*, our squadrons,
‘ without a land-force along with them,
‘ can do them little or no prejudice; and suppose
‘ we could have raised a sufficient land-force in our
‘ plantations,

‘ plantations, it will, I hope, be allowed, that after we had sent orders for raising that land-force, we might have fitted out a squadron here at home, and sent it thither, time enough for taking those land-forces on board, before they could have been ready to embark. Therefore we had as little occasion for putting ourselves to the expence of naval preparations, as we had for putting ourselves to the expence of raising land-forces, till we had got a final answer from *Spain*; and without threatening to invade some of their territories, in *Europe* or *America*, with a land-army, our numerous squadrons could now as little persuade them to agree to our terms, as *Hofier*’s squadron could formerly persuade them to deliver the effects of their *galleons* into his hands.

‘ I am convinced, my Lords, that the squadrons we sent out last summer, like some others we have upon former occasions fitted out, gave all *Europe* an occasion of mirth, instead of giving the *Spaniards* an occasion of fear. The court of *Spain* must mistake our power, or despise our management, otherwise they would not have dared to have offered such a preliminary treaty, as we have stoop’d to accept of. Preliminaries are sometimes agreed on by nations engaged in war, before they can conclude a solemn and definitive treaty of peace; but by such preliminaries the most material points are always settled, and some pledges are generally given for performance of articles. By these preliminaries no one material point is settled; the only one that is settled is, that relating to the damages we have sustained, and that is settled by our agreeing to give a general release, without receiving one shilling consideration. Can this be called a treaty? To me it seems as if our minister had presented *M. de la Quadra* with a *carte blanche*, a sheet of clean paper, and desired he would write what he

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‘ pleased,

‘ pleased, because it was necessary for us to have
‘ a treaty of some kind or other.

‘ My Lords, I shall grant that, before we re-
‘ solve on a war, we ought to consider what we
‘ may lose, as well as what we may get; but, I
‘ hope, ’twill be allowed, that before we conclude
‘ a peace, or any treaty for preventing a war, we
‘ ought to consider the dangers we may be exposed
‘ to by submitting to an infamous peace, as well
‘ as the dangers we may be exposed to by enga-
‘ ging in a just and honourable war. It seems now
‘ to become a fashionable doctrine amongst us,
‘ that a trading nation ought to be cautious of en-
‘ gaging in war. My Lords, it is directly the
‘ contrary: No nation ought to go to war without
‘ provocation; but of all nations in the world, a
‘ nation engaged in foreign trade ought to be the
‘ most jealous of its honour and privileges, and
‘ therefore the most cautious of submitting to any
‘ thing that may look like an infamous peace.
‘ The nature of its trade obliges many of its people
‘ to travel, and some of them to live in foreign
‘ countries: They must there meet with justice
‘ and respect, otherwise they neither will travel
‘ nor live, nor can they carry on any trade. But
‘ can they expect to meet with justice, or even
‘ with common civility, if the nation to which
‘ they belong be generally despised and contemn-
‘ ed, which it must be, if it submits to an infa-
‘ mous peace? This will be our case, if we should
‘ be so fond of peace as to avoid going to war,
‘ when we have a just occasion. If we do not
‘ vindicate our honour, and assert the rights and
‘ privileges of our people, in all parts of the world
‘ where they may have occasion to go, we must
‘ give up our foreign trade; for no *British* subject
‘ will go abroad to take care of it, if he finds
‘ himself insulted and abused in every country he
‘ comes to. Our own colonies will desert us: If

‘ we

‘ we will not protect them, they must seek for
‘ protection somewhere else. Therefore, if we
‘ have a mind to preserve our trade or our naviga-
‘ tion, we must take care not to be insulted: We
‘ must reassume one of our antient motto’s: *Nemo*
‘ *me impune laceffet*, must be the word in every
‘ mouth, and the resolution of every assembly,
‘ within the *British* dominions.

‘ I shall not pretend, my Lords, that we have
‘ victory chained to our chariot wheel, yet I may
‘ say what from all our histories will appear, that
‘ in the wars we have been engaged in, we have
‘ always come off with honour, when our affairs
‘ were under a wise administration. In a war with
‘ *Spain*, if we judge from experience, we have
‘ more to hope than to fear. We may do them
‘ great damage, and gain considerable advantages
‘ to ourselves, even by privateering or seizing their
‘ ships at sea. They cannot subsist, they cannot
‘ defray the expences of their civil government,
‘ much less support the charge of a heavy war,
‘ without having their treasure brought home
‘ from *America*. If they bring it home in *galleons*
‘ or *flotas*, we may intercept it by our squadrons:
‘ If they bring it home in single ships, we shall in-
‘ tercept many of them by our privateers or small
‘ cruizers. They cannot bring it home either in
‘ *French* or *Dutch* ships; because by the 6th article
‘ of the treaty of *Utrecht* between *France* and us,
‘ the King of *France* is expressly obliged, not to
‘ accept of any other usage of navigation to *Spain*,
‘ and the *Spanish* *Indies*, than what was practised
‘ there in the reign of King *Charles* II. of *Spain*,
‘ or than what shall likewise be fully given and
‘ granted at the same time, to other nations and
‘ people concerned in trade. Therefore the *Spa-*
‘ *niards* could not lay the trade to their settlements
‘ in *America* open to the *French*, at least the *French*
‘ could not accept of it; and if the *Dutch* should,

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‘ they

‘ they would be opposed by *France* as well as us,
 ‘ which is an opposition they would not, I believe,
 ‘ chuse to struggle with. And as for the *Spaniards*
 ‘ carrying on a correspondence with the *Dutch* at
 ‘ *Curassao*, or the *French* at *Hispaniola* or *Marti-*
 ‘ *nique*, the course of navigation between their set-
 ‘ tlements upon the continent and these islands, is
 ‘ so much confined, that we might intercept every
 ‘ one of their ships, either by our men of war or
 ‘ privateers. Besides, my Lords, these expedients,
 ‘ or any expedient that could be contrived, would
 ‘ lay the whole *Spanish* nation under such distresses
 ‘ and difficulties, that they would be glad to ac-
 ‘ cept of peace upon reasonable terms.

‘ Thus, my Lords, we might not only reap
 ‘ advantage by distressing them at sea, but we
 ‘ might reap still greater advantages, and reduce
 ‘ them to greater difficulties, by attacking them at
 ‘ land. It would not, ’tis true, be our interest to
 ‘ attempt making any conquests upon the conti-
 ‘ nent of *Old Spain*; but by having a squadron
 ‘ with five or six thousand land-forces on board,
 ‘ continually roving round their coasts, and mak-
 ‘ ing inroads upon the country, as often as they
 ‘ found an opportunity, we might do infinite mis-
 ‘ chief to our enemies, and often get rich booties
 ‘ for our soldiers and seamen. Then with regard
 ‘ to their settlements in *America*, as we could pre-
 ‘ vent any supplies of troops or ammunition being
 ‘ sent thither from any part of the world, we might
 ‘ plunder them from one end to the other; or if
 ‘ we thought it more for our purpose, we might
 ‘ enable them to throw off the yoke of *Spain*,
 ‘ which most, even of the *Spaniards* that are born
 ‘ there, would gladly do, if they had any support
 ‘ on which they could depend, because of the op-
 ‘ pression they meet with from their governours
 ‘ and other officers, who are all natives of *Old*
 ‘ *Spain*. We are not to judge of what may be
 ‘ done

' done against *Spain* in the *West-Indies* from our
 ' management of the last war against *France* and
 ' *Spain*. It was not the difficulty of the under-
 ' taking that prevented an attempt being made in
 ' that part of the world; but we had taken so
 ' great a share of the war in *Europe* upon ourselves,
 ' and were at so great an expence, that we could
 ' not spare either money or troops for such an
 ' undertaking; and as none of our allies would
 ' join with us in it, if we had gone upon it by
 ' ourselves alone, it might have created a jealousy
 ' in some of them, which would have been of
 ' dangerous consequence to the grand design; but
 ' if the whole confederacy had agreed to have
 ' made a vigorous push that way, immediately af-
 ' ter the battle of *Hochstet*, I believe it would have
 ' succeeded, and would have been a means of put-
 ' ting an end to the war much sooner than we did;
 ' for the *French*, as some of their ministers have
 ' since declared, would not have been so long able
 ' to support the expence of the war, if it had not
 ' been for the great remittances they had from the
 ' *Spanish West-Indies*.

' Now, my Lords, with regard to the dangers
 ' we may be exposed to, even suppose *France*
 ' should join openly with *Spain* against us, if we
 ' were united amongst ourselves, and under a po-
 ' pular, that is, a wise administration, we have
 ' nothing to fear from an union of these two great
 ' powers. We may frighten ourselves with bug-
 ' bears of invasions, and God knows what; but
 ' till they have a naval force superior to any we
 ' can send against them, we have nothing to fear;
 ' and it would be our fault if we allowed them to
 ' increase their naval force during a war. We may,
 ' 'tis true, be obliged to divide our naval force;
 ' but the naval force of *France* and *Spain* could
 ' not all join in one port; we might render it al-
 ' most impossible for them to do so; and if they
 ' should,

' should, we might join our squadrons together as
 ' well as they, in which case we would be more
 ' than match for them. The sea, my Lords, is
 ' our element, and it will be our defence, as long
 ' as we preserve our trade, which we must lose if
 ' we allow our merchants and seamen to be insult-
 ' ed and plundered. A war with *Spain* is, there-
 ' fore, become unavoidable, if they refuse to give
 ' us satisfaction, as well as reparation and security;
 ' and if they should be joined by *France*, let the
 ' dangers from such an union be what they will,
 ' we must face them; for I hope no man will say,
 ' we are to look tamely on, and see *France* and
 ' *Spain* plundering our merchants, abusing our sea-
 ' men, and destroying our trade, with impunity.

' The present circumstances of *Europe*, my Lords,
 ' I shall allow to be very different from what they
 ' were in Queen *Elizabeth's* days; but if she had
 ' managed her foreign negotiations, as we seem to
 ' have managed ours for these twenty years past,
 ' she would have been in much worse circumstan-
 ' ces than we are at present. She was in danger
 ' of having *Spain*, *France*, and *Scotland*, joined
 ' with a powerful party in her own dominions,
 ' against her. Towards the beginning of the year
 ' 1585, the Duke of *Guise* had got almost the ab-
 ' solute government of the King and kingdom of
 ' *France*, and *Philip II.* of *Spain* had just conquer-
 ' ed *Portugal*, and had almost entirely reduced the
 ' malcontents in *Holland* and *Flanders*. These two
 ' were in a private league against the Protestant
 ' religion, and had very near prevailed on *James*
 ' *VI.* of *Scotland*, afterwards *James I.* of *England*,
 ' to join with them. In these circumstances, if
 ' Queen *Elizabeth* had sent weak or ridiculous am-
 ' bassadors to foreign courts, or if she had thought
 ' only of putting off the evil day by temporary,
 ' annual expedients, both she and the Protestant
 ' religion would have been undone; but she fore-
 ' saw

‘ saw her danger, and resolved, therefore, to begin the attack, before the project of her enemies was ripe for execution. She sent one of the ablest and most expert ministers then in the world, to *Scotland*, by whose address and intrigues she at last secured that King in her interest. She attack’d the King of *Spain* in his own dominions, both in the *Netherlands* and the *West-Indies*; and she gave such aid to the *Huguenots* in *France* as entirely disappointed the projects of the Duke of *Guise*, and greatly contributed towards raising *Henry IV.* to the throne of that kingdom. If we had had such foresight and wisdom for these twenty years past, or had employed such ministers in our foreign negotiations, we should not now have been frightening ourselves with the conjunction of *France* and *Spain* against us, nor should we have been lamenting, that we have not a friend in *Europe*, on whom we can depend for assistance.

‘ Though our war with *Spain* in Queen *Elizabeth*’s time continued for many years, we are not, my Lords, from thence to conclude, that the war must now continue as long, before we can bring them to a compliance. This nation is now more powerful, and *Spain* much weaker, than at that time. Queen *Elizabeth* was Queen of *England* and *Ireland* only: Our plantations were in their infancy, *Ireland* often in a state of rebellion, and *Scotland* kept in friendship with us by her wisdom alone. On the other hand, the King of *Spain* was then master both of *Spain* and *Portugal*, and as powerful, perhaps more powerful than at present, in the *West-Indies*: Besides which, he was then master of the seventeen provinces of the *Netherlands*, and of the two *Sicilies* and *Milan* in *Italy*. To this I must add, that in Queen *Elizabeth*’s time, it was not the interest of this nation to be at peace with

' with *Spain*; her subjects made a great deal
 ' more by the war, than they could have done
 ' by an open trade with that kingdom; therefore
 ' she would never hear of restoring the peace,
 ' though the *Spaniards* would have gladly sued
 ' for it to her, if they had hoped for success, as
 ' they did to her successor, before he was well
 ' seated on the throne. In *Oliver Cromwell's* time,
 ' the war he engaged in against *Spain*, was cer-
 ' tainly a piece of political wisdom: He found it
 ' necessary to establish his government, by ma-
 ' king some conquest, or gaining some advantage
 ' for the nation abroad; and *Spain* was the only
 ' nation from whom he could take any thing that
 ' would be of real advantage to this. He joined
 ' with *France*, 'tis true; but the power of *France*
 ' was not then formidable; and by his getting
 ' possession of *Dunkirk*, he opened a door for our
 ' assisting *France* against *Spain*, or *Spain* against
 ' *France*, according as we should afterwards find
 ' proper; and if he had lived, as he understood
 ' the interest of his country, he would probably
 ' have soon clapt up a peace with *Spain*, and per-
 ' haps have joined with them against *France*,
 ' which would probably have prevented the *Pyre-*
 ' *nean* treaty of peace, the source of all the
 ' evils *Europe* has since been exposed to; but he
 ' died within three months after he had got pos-
 ' session of *Dunkirk*, and but a little more than
 ' three years after he had begun the war with
 ' *Spain*; so that the continuance of that war is
 ' not to be imputed to any inability we were in
 ' of forcing *Spain* to accept of a peace upon rea-
 ' sonable terms, but to the confusions and distrac-
 ' tions this nation was in, from *Cromwell's* death
 ' to the Restoration of King *Charles II.* when
 ' peace between the two nations was restored,
 ' though the solemn treaties for that purpose were
 ' not concluded till the years 1667 and 1670.

Therefore,

‘ Therefore, my Lords, if we judge from experience, we must conclude, that if *Spain* is not supported by *France*, the war between the two nations cannot be of any long continuance; and while it continues, if right measures are taken, our trade cannot suffer so much by their privateers, as it has done for almost twenty years by their *Guarda Costa’s*. But suppose they should be supported by *France*, yet if care be taken to remove the discontents of our own people, and vigorous measures pursued, I think *France* and *Spain*, even when united against us, have more to fear from us, than we have from them, though we should be so destitute of friends as not to meet with assistance from any one power in *Europe*. Indeed, if we should ever have the misfortune to be involved in a war against *France* and *Spain*, while we are under an administration, in which neither our people at home, nor our friends abroad, can put any confidence, an administration who had shewn themselves incapable of governing in time of peace, and who, of course, we must suppose much more incapable of governing in time of war; in that case I do not know what might be the consequence. Such an administration would think of nothing but protecting themselves at home, against the resentments of an injured and discontented people, and would, therefore, neither think of, nor be able to take, proper measures for distressing our enemies abroad, or for protecting our trade at sea, or our possessions at land, in any distant part of the world. Our only safe-guard, our only relief, would be in our Parliament; and the only measure our Parliament could take, for the salvation of their country, would be, to force a change in the administration, and to recover the affections of our own people, and the confidence of our natural allies, by punishing those,

‘ those, who, by their conduct, had forfeited
 ‘ both,

‘ Thus, my Lords, I believe it will appear,
 ‘ that if were now at liberty to consider the dan-
 ‘ gers we may be exposed to, and the advantages
 ‘ we may reap, by engaging in a war with *Spain*,
 ‘ we should, upon the comparison, find, that we
 ‘ have more to hope than to fear; but we have
 ‘ met with so many insults, and such disdainful
 ‘ treatment from that nation, for many years past,
 ‘ that if they refuse or delay to give us satisfac-
 ‘ tion, reparation, and security, we have no such
 ‘ liberty left, we must go to war let the conse-
 ‘ quence be what it will; and in such a case, I
 ‘ can look upon no man as a friend to his coun-
 ‘ try, who endeavours to terrify the people with
 ‘ the dangers they are to encounter. This, my
 ‘ Lords, leads me of course to consider, whe-
 ‘ ther we have got, by the convention now under
 ‘ our consideration, any satisfaction, security, or
 ‘ reparation; and for this purpose, I shall go
 ‘ through the several articles; but I must first
 ‘ observe, that with regard to satisfaction, there
 ‘ is not one article that relates to it: It is not so
 ‘ much as referred to the plenipotentiaries to re-
 ‘ gulate what satisfaction the *Spanish* nation shall
 ‘ make us, for the many heinous indignities they
 ‘ have put upon us: Nay we seem, by the very
 ‘ preamble, to have given up all title to it, by
 ‘ acknowledging, that the grievances have been
 ‘ mutual. My Lords, I defy the most eloquent
 ‘ advocate for *Spain*, to shew any one grievance
 ‘ we have subjected them to, or any one injury
 ‘ we have done them, ever since the treaty of
 ‘ *Seville*. By that treaty we did them a most sin-
 ‘ gular favour, at the expence of our antient ally
 ‘ the Emperor; and we have been heaping fa-
 ‘ vours upon favours ever since: Therefore I
 ‘ must think it was a sacrificing of the truth, as
 ‘ well

‘ well as the honour of this nation, to allow it
‘ to be said in the preamble, that grievances were
‘ alledged on each side, as well in the *West-Indies*,
‘ as elsewhere.

‘ Then, my Lords, with regard to our future
‘ security, I must observe, that it is of two kinds:
‘ It relates either to the freedom of our naviga-
‘ tion and commerce, or to the free enjoyment of
‘ our possessions and privileges in that part of the
‘ world. As to the freedom of our navigation
‘ and commerce, the only article that relates to it,
‘ is the first, and by that we have almost in ex-
‘ press terms given it up; for as a noble Lord
‘ has observed before me, if it be regulated,
‘ it must be restrained, and that which is re-
‘ strained, can no longer be said to be free. I
‘ was surprized to hear it said, that the *Spaniards*
‘ pretend to a right of searching our ships, only
‘ upon their own coasts. Do not we know that
‘ they search them wherever they can meet with
‘ them in the *American* seas? Do not several of
‘ the petitions and other papers we have before us
‘ shew, that they not only search them many
‘ leagues out at sea, but pretend to make prize of
‘ them, upon the ridiculous pretence of their
‘ having contraband goods on board? What the
‘ *Spaniards* may mean, or what the noble Lord
‘ that spoke last may mean, by their own coasts,
‘ I do not know: It is a word that has no deter-
‘ mined signification; but whatever may be meant
‘ by the word, it is certain that no right or domi-
‘ nion can be acquired to any part of the sea, no
‘ more than to any part of the land, but by oc-
‘ cupancy and possession, which must be declared
‘ by overt acts; for a nation’s being in possession
‘ of the land, gives them no right to any part of
‘ the neighbouring sea; and I do not know that
‘ we have ever yet allowed the *Spaniards* to take
‘ possession, or to claim any right to any part of
‘ the

' the seas of *America*, without the limits of their
 ' ports or havens. By the treaty in 1670, we
 ' promised, 'tis true, that the subjects of this
 ' kingdom should not fail to and traffick in the
 ' ports and havens, that have fortifications or ma-
 ' gazines, nor in any other place possessed by the
 ' King of *Spain* in the *West-Indies*; but we did
 ' not promise that our ships should not sail along
 ' their coasts, nor did we give them a right to
 ' search such ships, or to prescribe what sort of
 ' goods or effects they should have on board:
 ' Nay, we did not so much as give them a right
 ' to search any of our ships, that should be forced
 ' into any of their ports in *America*, by stress of
 ' weather, or any such accident: On the contra-
 ' ry, we expressly stipulated, that such ships should
 ' be allowed to depart whenever they had a mind,
 ' without any lett or molestation. Yet that
 ' treaty, which now seems to be the utmost we
 ' aspire to, was in those days thought so disad-
 ' vantageous for this kingdom, that the gentle-
 ' man who negotiated and concluded it, durst
 ' never return to *England*, though he was of a
 ' good family, and had several considerable rela-
 ' tions, who might have procured him a *Quietus*
 ' for any slip he had been guilty of in his nego-
 ' tiations, if our Parliaments had then been as
 ' ready to overlook such slips, as some have been
 ' since that time.

' By the treaty in 1670, my Lords, the *Spa-*
 ' *niards* have no right to search any *British* ship,
 ' even in their ports in the *West-Indies*, when
 ' such ship happens to be forced in there by any
 ' sea distress; and much less have they a right to
 ' confiscate ship and cargo, on account of her
 ' having *Spanish* money, or *Spanish* goods on
 ' board, unless they could prove that such mo-
 ' ney, or such goods, had by that ship been taken
 ' on board from some of their settlements. Nay,

‘ in *Old Spain*, where a free trade is allowed,
‘ they are not to search a *British* ship, even in
‘ their ports, till she be unladed: They are only
‘ to put custom-house officers, not exceeding
‘ three, on board, to see that while she is un-
‘ lading, no goods shall be landed without paying
‘ the duties; as appears from the 10th article of
‘ the treaty 1667. But now, it seems, we are
‘ reduced so low, that we must grant them a
‘ right to search our ships within what they shall
‘ please to call their sea coasts, that is to say,
‘ within sight of any land they shall please to call
‘ theirs in *America*; for that will be the conse-
‘ quence: If you fix it at one league, or two
‘ leagues from the shore, their *Guarda Costa’s*
‘ will say, every *British* ship that is within sight
‘ of land, is within one or two leagues of the
‘ shore: Nay, farther, we must grant them a
‘ right, it seems, not only to search, but to con-
‘ fiscate ship and cargo, if upon such search, they
‘ find, or can steal, on board, two or three pieces
‘ of *Spanish* money, or any other goods which
‘ they call the produce of their settlements in
‘ *America*. At this rate, my Lords, we must
‘ give up *Jamaica*, and all our sugar islands; for
‘ no ship can sail either to or from *Jamaica*, with-
‘ out coming upon what the *Spaniards* may call
‘ their coasts; and no ship can return from *Barba-*
‘ *does*, or any of our other sugar islands, without
‘ coming upon the coasts of some of those islands
‘ in the *West-Indies*, which the *Spaniards* call
‘ theirs; because no ship can return from thence,
‘ without coasting along those islands, in order to
‘ get to the northward of the trade winds, before
‘ they can bear away for any part of *Europe*.

‘ Therefore, my Lords, the allowing them a
‘ right or privilege to search our ships upon any
‘ part of the seas of *America*, or the allowing
‘ them a right to confiscate a *British* ship, on ac-
‘ count

‘ count of her having any effects on board, which
 ‘ they may call the produce of their settlements,
 ‘ even though such ship should by distress be drove
 ‘ into any of their ports or havens in that part of
 ‘ the world, is what we can never grant. It is
 ‘ what we ought not to have negotiated about,
 ‘ and much less ought we to have referred it to
 ‘ plenipotentiaries to be regulated; for if it be re-
 ‘ gulated, it must be established; and we may
 ‘ judge from their late behaviour, how well they
 ‘ will observe any regulations it can be laid under.

‘ From whence, my Lords, it appears, I think,
 ‘ most evidently, that instead of stipulating any
 ‘ thing for the future security of our trade and na-
 ‘ vigation in the *American* seas, we have by this
 ‘ convention almost expressly given up the free-
 ‘ dom both of our trade and navigation in those
 ‘ seas. But suppose their right of searching and
 ‘ confiscating *British* ships, that may be found sail-
 ‘ ing along their coasts in *America*, were to be
 ‘ established, and put under certain regulations, by
 ‘ the definitive treaty that is to be concluded in
 ‘ pursuance of this convention; surely, my Lords,
 ‘ considering the bad use they have lately made of
 ‘ this pretended right, we ought to have stipulated
 ‘ a suspension of the exercise of this right, till those
 ‘ regulations should be settled and agreed on by a
 ‘ solemn treaty. We might have stipulated, that
 ‘ in the mean time they should abstain from search-
 ‘ ing *British* ships on any part of the seas of *Ame-
 ‘ rica*, and from confiscating them, unless upon a
 ‘ full proof of their having been concerned in an
 ‘ illicit trade with their settlements. But we are
 ‘ told, the *Spaniards* would have look’d upon this
 ‘ as a stipulation for carrying on in the interim a
 ‘ sort of free trade with their settlements in that
 ‘ part of the world; and farther we are told, that
 ‘ we could have no occasion for such a suspension,
 ‘ because we shall have a squadron of men of war
 ‘ there,

‘ there, that will be sufficient to protect our trade
 ‘ in the mean time. This is really something ex-
 ‘ traordinary; we must not stipulate a suspension,
 ‘ because the *Spaniards* would look upon it as a
 ‘ stipulation for a free trade with their settlements;
 ‘ but we may compel it, by means of a superior
 ‘ squadron. My Lords, if they could have look’d
 ‘ upon a stipulation for a suspension in such a light,
 ‘ will they not look upon our making use of a
 ‘ squadron for such a purpose, as a compelling
 ‘ them to allow us a sort of free trade with their
 ‘ settlements? And will not they look upon this
 ‘ as a breach of this very convention? Let us con-
 ‘ fess the truth, my Lords, without any subter-
 ‘ fuge; they would grant us nothing that might
 ‘ in the least derogate from any right or privilege
 ‘ they had a mind to make use of; therefore they
 ‘ refused granting us a suspension in this case; but
 ‘ they granted us a suspension with regard to their
 ‘ fortifications and improvements in *Florida*, be-
 ‘ cause it was a right they had no mind to make
 ‘ use of.

‘ I shall grant, my Lords, that a man may have
 ‘ a right to an estate, and yet his enjoyment of
 ‘ that estate may be restrained by some right or
 ‘ servitude (which is a more proper word than pri-
 ‘ vilege) granted to another; but can that man’s
 ‘ right to his estate be full and absolute? Can that
 ‘ which is under a servitude be said to be free?
 ‘ My Lords, every thing that limits or restrains
 ‘ the enjoyment of a right, must in so far diminish
 ‘ or destroy the right itself. We have a right to
 ‘ a navigation and commerce in the *American* seas:
 ‘ We have a right to a commerce with the conti-
 ‘ nent and islands of *America*. The first is abso-
 ‘ lute and free. Upon those seas no nation in the
 ‘ world can say to us, What dost thou? But with
 ‘ regard to our commerce with the continent and
 ‘ islands of *America*, it is restrained. By the treaty

‘ in 1670, we obliged ourselves not to carry on
‘ any commerce with those places in *America*,
‘ which are possessed by the *Spaniards*; and this
‘ was the reason we at that time found so much
‘ fault with that treaty. Therefore we ought care-
‘ fully to distinguish between those two rights.
‘ As to our right of navigation and commerce in
‘ the *American* seas, the *Spaniards* have no right
‘ to limit or restrain it: I hope we shall never al-
‘ low them, nor any nation, to do so; though I
‘ am told the *French* have lately begun to usurp
‘ such a right. As to our commerce with the con-
‘ tinent and islands of *America*, the *Spaniards* may
‘ restrain it: They may prevent our carrying on
‘ any commerce in those places which they are in
‘ possession of; but they can restrain it no farther:
‘ They have no business, nor any right, to enquire
‘ what we do in any part of *America*, which they
‘ are not in actual possession of. But if we approve
‘ of this convention, and such a definitive treaty
‘ be concluded as may be expected, and dreaded,
‘ from such a preliminary, I do not know what
‘ rights they may acquire. They may acquire the
‘ right they pretend to; which is a right to pre-
‘ scribe to the ships of *Great Britain*, what course
‘ they shall steer, and what goods they shall carry,
‘ from one part of the *British* dominions to another.
‘ My Lords, it was a concession in us, to allow
‘ them to exclude the subjects of this kingdom
‘ from carrying on any commerce in their *Ameri-*
‘ *can* dominions: It was thought too great a con-
‘ cession when it was first granted. But, I hope,
‘ no *British* subject will say, that we ought, or can
‘ allow them to make any regulations at sea for
‘ preventing such a commerce; and therefore, I
‘ was surprized to hear it said, that we had not
‘ time to settle such regulations, or to convince
‘ them of the injustice of the regulations they have
‘ made; for if they insisted upon making such re-
‘ gulations,

' gulations, or upon the justice of those they had
 ' made, the only proper answer was, a declaration
 ' of war; and this, I am convinced, is what it
 ' must at last come to. But suppose there had
 ' been some difficulty in the case at first; have we
 ' not had time enough to understand one another?
 ' Have we not been negotiating about the very
 ' points now in dispute between us, for ten or a
 ' dozen of years, without intermission? Could not
 ' we know in all that time what *Spain* would do,
 ' or how far they would disclaim the rights they
 ' have lately usurp'd upon us? My Lords, I am
 ' convinced some of our negotiators do know: I
 ' am convinced they know, that *Spain* will grant
 ' us no security, nor disclaim any right they have
 ' lately set up, unless they are forced to it by a
 ' vigorous war; and therefore, I must look upon
 ' this convention as a mere contrivance for putting
 ' off the evil day: An expedient for this session;
 ' and the prolongation of the term hereby stipula-
 ' ted, will, I suppose, be an expedient for the
 ' next, perhaps for two or three ensuing; during
 ' which the *Spaniards* will continue to plunder our
 ' merchants, and interrupt our trade as usual.

' Now, my Lords, with regard to the free en-
 ' joyment of our possessions and privileges in *Ame-*
 ' *rica*, the only article that relates to it, is the 2d,
 ' and that relates only to *Georgia*; but how does
 ' it relate to it? By what, I am sure, the *Spaniards*
 ' will call giving it up. If the *Spaniards* pretend-
 ' ed to dispute limits with us, it was a most ridi-
 ' culous thing in us to allow that dispute to be car-
 ' ried so far as to the *Southern*, perhaps near the
 ' most *Northern* bounds of *North-Carolina*. It was
 ' the same as if we had sat down to hazard, and had
 ' staked *North-Carolina*, *South-Carolina*, and *Geor-*
 ' *gia*, against the insignificant *Spanish* fort called
 ' *Fort-Augustine*; for that is the only fort or settle-
 ' ment the *Spaniards* have in *Florida*. I shall grant,

‘ the suspension stipulated in this article is mutual,
 ‘ but, my Lords, it is far from being equal. We
 ‘ suspend fortifying or improving three large coun-
 ‘ tries or provinces already planted, already greatly
 ‘ improved, already inhabited by numbers of our
 ‘ own people, and which we were resolved to for-
 ‘ tify and improve as fast as possible. On the o-
 ‘ ther hand, the *Spaniards* are to suspend fortifying
 ‘ and improving one single province, not so large
 ‘ as any one of our three, and that, a country
 ‘ entirely waste, or inhabited only by such as are
 ‘ their enemies, except one little fort, and a coun-
 ‘ try which they had no intention either to plant,
 ‘ improve, or fortify. But is *Georgia* the only
 ‘ possession or privilege we have in *America*, which
 ‘ the *Spaniards* now pretend to dispute with us?
 ‘ Why is there no mention made of our antient
 ‘ settlement in *Campechey*? Of our right to cut
 ‘ logwood in the bay of *Honduras*? Or of our
 ‘ right to gather salt in the island of *Tortugas*?
 ‘ Are these possessions and rights which are not
 ‘ worth contending for? Or are they to be given
 ‘ up, or relinquished, for the sake of an infamous
 ‘ peace? It would seem so by this preliminary
 ‘ convention; and therefore I must conclude, that
 ‘ instead of stipulating any future security for the
 ‘ free enjoyment of our possessions and privileges
 ‘ in *America*, we have, tacitly at least, given up
 ‘ by this convention, every possession, every right,
 ‘ every privilege, which the *Spaniards* now pre-
 ‘ tend to dispute with us in any part of *America*.

‘ In lieu of these most extraordinary concessions,
 ‘ one might expect, my Lords, that we had got
 ‘ the most ample, the most compleat reparation
 ‘ for all the damages we have sustained, and all
 ‘ the extraordinary expence we were put to; but
 ‘ we were too modest, it seems, to ask any re-im-
 ‘ bursement of costs; and if the payment stipula-
 ‘ ted by the 3d article, which has been so much

‘ boasted

‘ boasted of, be closely examined, and stript of
‘ that artful disguise in which it is dressed up, we
‘ shall find that we have given a free discharge for
‘ all past damages, without obtaining one shilling
‘ of reparation, except as to what relates to four
‘ or five ships, which the King of *Spain* had or-
‘ dered to be restored, before this convention was
‘ thought of. But this has been put in so clear a
‘ light by the noble Lord that spoke last but one,
‘ that I need not enlarge upon it; and therefore,
‘ I shall only take notice of some things, that fell
‘ from the noble Lord that spoke last. He was
‘ pleased to tell us, that the *Spaniards* made a de-
‘ mand of 5 or 600,000 *l.* upon us, and seemed
‘ highly to commend our dexterity at negotiation,
‘ in prevailing upon them to accept of 60,000 *l.* in
‘ full of such a high demand. My Lords, if there
‘ was not the least pretence for setting up any de-
‘ mand against us, we ought to have looked upon
‘ their setting up such a demand, as a fresh insult;
‘ and therefore, instead of allowing any part of it,
‘ we ought to have rejected it with contempt.
‘ The 95,000 *l.* stipulated in this article, is there-
‘ fore the only sum we are to receive by way of
‘ reparation; and of this sum our own *South-Sea*
‘ company is to pay 68,000 *l.* For whatever the
‘ noble Lord may think of the King of *Spain*’s
‘ protestation, as he declares, that under the vali-
‘ dity and force of that protest he signed this con-
‘ vention, I am convinced he looks upon the pay-
‘ ment of that money by our *South-Sea* company,
‘ as the condition upon which alone he stands obli-
‘ ged to pay the 95,000 *l.* stipulated by this arti-
‘ cle; and I will engage, that not one shilling of
‘ the 95,000 *l.* shall be paid to us by the King of
‘ *Spain*, unless the 68,000 *l.* be first paid to him
‘ by our company. Therefore all the reparation
‘ the King of *Spain* is to make, is the 27,000 *l.*
‘ which is the difference between 95 and 68,000 *l.*

‘ And for this 27,000*l.* his Catholick Majesty,
 ‘ or his subjects, are to retain possession of, and
 ‘ convert to their own use, the five *British* ships
 ‘ which he had before ordered to be restored;
 ‘ for by the fourth article of this treaty, if any
 ‘ part of any of these ships has been, or shall be
 ‘ restored, it is to be deducted out of the
 ‘ 95,000*l.*

‘ This, my Lords, is really such a juggle,
 ‘ such a farcical sort of reparation, that I cannot
 ‘ but imagine, that when *M. de la Quadra* found
 ‘ our negotiators willing to accept of it, he went
 ‘ smiling to his master, and told him, he had got
 ‘ the *English* to accept of such a sham reparation,
 ‘ as no *Indian* nation in *America* would have been
 ‘ amused with. Well, says his Catholick Ma-
 ‘ jesty, what have you done with the poltroons?
 ‘ Their merchants are to have 155,000*l.* in full
 ‘ for all the depredations your subjects have com-
 ‘ mitted upon them for almost twenty years past,
 ‘ answers the minister. What, replies the Sove-
 ‘ reign, 155,000*l.* how can you pay it? For I
 ‘ will not give them one single farthing. No,
 ‘ no, says the minister, 60,000*l.* one part of it,
 ‘ they are to raise by a tax upon themselves;
 ‘ 68,000*l.* another part of it, their *South-Sea*
 ‘ company is to give me, and I am to return it to
 ‘ such commissaries as they shall appoint, for
 ‘ distributing it among their merchants; and for
 ‘ the remaining 27,000*l.* they are to allow your
 ‘ Majesty to keep the five ships and their cargoes,
 ‘ which you had given orders to restore: Now as
 ‘ these ships were certainly most unjustly taken,
 ‘ and more unjustly confiscated, the captors must
 ‘ now account to your Majesty, instead of ac-
 ‘ counting to the *English*, for the full value,
 ‘ which I reckon will amount to at least 35,000*l.*
 ‘ so that instead of your paying them any thing
 ‘ for reparation, they have, in effect, paid you at
 ‘ least

‘ least 8000*l.* for giving them the pretence of a
‘ reparation. My Lords, *M. de la Quadra* may
‘ have some private reasons for not looking upon
‘ our negotiators as downright fools; but, if we
‘ approve of such a reparation, I am sure the
‘ *Spanish* nation will have reason to look with
‘ greater contempt upon this, than upon any na-
‘ tion of native *Indians* in *America*.

‘ After having thus shewn, that we have got
‘ no reparation by this convention, we need not,
‘ I think, my Lords, much trouble our heads
‘ about the value put upon our losses by our com-
‘ missaries; but, I think it sufficient for discrediting
‘ their report, that one of them who was exami-
‘ ned at our bar, could give no distinct reason for
‘ reducing the claim of our merchants from above
‘ 400,000*l.* to 200,000*l.* If they had vouch-
‘ safed to have given us any reasons for such an
‘ extraordinary reduction, I am convinced it would
‘ have been easy to have shewn, that their reasons
‘ were frivolous; and till they do assign their
‘ reasons, every man must suppose they had no
‘ reason; for the characters of our merchants
‘ who gave in their claims, many of them if not
‘ all, upon oath, are as good as the characters of
‘ our commissaries. But suppose the reduction
‘ made by our commissaries had been just, the
‘ value of the five ships mentioned in the 4th
‘ article of this convention, or at least of the
‘ four last, could be no part of the 200,000*l.* at
‘ which they computed our real losses; because
‘ the four ships last mentioned, were taken since
‘ our commissaries returned from *Spain*; and the
‘ first mentioned, I mean the *Woolball*, was taken
‘ long after the treaty of *Seville*, and could there-
‘ fore be no part of any of those pretensions,
‘ that were referred to commissaries by that treaty.
‘ For this reason, if the 95,000*l.* to be paid by
‘ the King of *Spain* and our *South-Sea* company,

‘ had

‘ had been look’d on as a reparation for that
 ‘ 200,000*l.* only, we ought to have stipulated
 ‘ the entire restitution of these five ships, without
 ‘ allowing any deduction from the 95,000*l.* on
 ‘ account of that restitution; but in this case, the
 ‘ King of *Spain* must have paid us out of his
 ‘ own pocket 27,000*l.* by way of reparation for
 ‘ 200,000*l.* which was, it seems, what he was
 ‘ resolved not to do; and therefore, by this arti-
 ‘ cle, we have allowed him to keep these five
 ‘ ships, which he had before agreed to restore.

‘ This, my Lords, was, I shall allow, ex-
 ‘ tremely complaisant, and since we shew’d so
 ‘ much complaisance to him in the point of repara-
 ‘ tion, he should, I think, in good manners,
 ‘ have shewed some complaisance to us in the
 ‘ point of future security; but his Catholick Ma-
 ‘ jesty, it seems, in every point, acted the part
 ‘ of a stubborn, haughty *Spaniard*, and we, I do
 ‘ not know what. In former days, my Lords,
 ‘ we used to be as stubborn as any of our neigh-
 ‘ bours; and to shew that we were so, as the
 ‘ noble Lord that spoke last was pleased to men-
 ‘ tion the treaty between *Oliver Cromwell* and the
 ‘ *Dutch*, I shall beg leave to examine that treaty,
 ‘ because the circumstances of the then disputes
 ‘ between us and the *Dutch*, were something pa-
 ‘ rallel to the disputes now subsisting between us
 ‘ and *Spain*. The *Dutch*, ’tis true, had not for
 ‘ many years before done us any injury, nor had
 ‘ they any way interrupted our trade; but in a
 ‘ former reign, in which the only maxim of go-
 ‘ vernment was, That peace was better than war,
 ‘ as it seems to be at present, the *Dutch* had done
 ‘ us a very heinous injury, which had never been
 ‘ properly resent’d; and they had begun to dis-
 ‘ pute with us the honour of the flag. There-
 ‘ fore, our demands upon the *Dutch* were, That
 ‘ they should give us satisfaction for the insult
 ‘ they

‘ they had many years before put upon us, reparation for the damage they had done, and security for our future unmolested enjoyment of that right, called the honour of the flag.

‘ How did *Oliver Cromwell*, my Lords, provide for these several demands, by the treaty he made with the *Dutch*? By the 27th article it was expressly provided, “ That the United Provinces should take care, that justice be done upon those who were partakers or accomplices in the massacre of the *English* at *Amboyna*, provided any of them be living.” I must observe, my Lords, that this proviso was necessary; because this massacre was perpetrated in the peaceable reign of *James I.* above thirty years before this treaty. Then with regard to reparation, *Oliver*’s negotiators did not lump it, as our present negotiators have done by this convention; no, my Lords, the quantum of that reparation was, by the 30th article of the same treaty, to be adjusted by commissaries, respectively appointed, who were to meet, not in *Holland*, but at *London*, and to determine it in three months, or upon their failure, it was referred to the Protestant *Swiss* cantons, who were to give judgment within six months; and we know that the *Dutch* actually paid a very large sum of money upon this account. Lastly, with regard to our future security: Though it related to nothing but a point of honour, *Oliver* knew well the great consequence of a trading nation’s being jealous of its honour; and therefore he took care not to refer such a point to commissaries; for by the 13th article of that treaty, it was expressly provided, “ That the ships and vessels of the said United Provinces, as well those of war as others, which should meet any of the men of war of the Republick of *England* in the *British* seas, should strike

“ the

“ the flag to them, in the same manner as was
 “ ever observed at any time before, under any
 “ former government.”

‘ As to the 10,000*l.* mentioned by the noble
 ‘ Lord that spoke last, it was not paid on account
 ‘ of any damage done to this nation before the
 ‘ war commenced. It was paid, my Lords, on
 ‘ account of some *English* ships, that had been
 ‘ seized and detained in the dominions of the
 ‘ King of *Denmark*, after the commencement of
 ‘ the war; and as they were seized at the in-
 ‘ stances of the *Dutch*, *Oliver* insisted, that the
 ‘ *Dutch* should make good the loss; and accord-
 ‘ ingly, by the 28th article of the same treaty, a
 ‘ stipulation was made for this purpose, which
 ‘ deserves our particular notice upon this occasion.
 ‘ By this stipulation, the States General obliged
 ‘ themselves, that those ships and goods, which
 ‘ were remaining in specie, together with the true
 ‘ value of those that had been sold, embezzled,
 ‘ or otherwise disposed of, should be restored,
 ‘ within a fortnight after the arrival of those who
 ‘ were to go to reclaim them; and also, that the
 ‘ losses which had accrued to the *English*, by their
 ‘ being detained, should be made good, according
 ‘ to an appraisement to be made by commissaries
 ‘ therein named; which commissaries were to
 ‘ meet on the 27th of *June*, a little more than
 ‘ two months after the ratification of the treaty,
 ‘ at *London*; and after the first day of *August*
 ‘ then next ensuing, unless they agreed before-
 ‘ hand, they were to be shut up in a room sepa-
 ‘ rate from all other persons, without fire, candle,
 ‘ meat, drink, or other support, till they had
 ‘ agreed of the matters to them referred. The
 ‘ States likewise obliged themselves to pay 5000*l.*
 ‘ within two days after the exchange of the rati-
 ‘ fications, to the merchants, for the expence of
 ‘ their voyage to *Denmark*, to reclaim their ships;
 ‘ and

' and 5000*l.* more, within six days after their ar-
 ' rival there, for refitting and repairing their ships
 ' for their return. And for the performance of
 ' these conditions, they farther obliged them-
 ' selves, that bond should be given by sufficient
 ' men, living here at *London*, for 140,000*l.*
 ' The 10,000*l.* mentioned by his Lordship was
 ' therefore only a part of the reparation that was
 ' to be made for this particular damage; for we
 ' know, that the commissaries, by their award,
 ' dated the 13th of *July* that year, the day be-
 ' fore they were to have been inclosed, declared,
 ' that the whole damage amounted to 97,973*l.*
 ' which was accordingly paid at *London*, and
 ' distributed among those concerned.

' I wish, my Lords, our late negotiators had
 ' read this treaty: They might from thence have
 ' seen what was meant by satisfaction, reparation
 ' and security; for, I think, I have now clearly
 ' shewn, that, by this convention, we have ob-
 ' tained no satisfaction, no security, no reparation,
 ' nor so much as a promise for any one of them.
 ' On the contrary, we have, by this preliminary,
 ' either expressly or tacitly, given every one of
 ' them up; and shall a *British* Parliament approve
 ' of such a treaty? Shall the *British* nation hug
 ' itself in the precarious enjoyment of such an in-
 ' famous tranquillity? Where can a *British* mer-
 ' chant go to carry on any foreign trade? What
 ' foreign port can a *British* ship put into? They
 ' must expect to be insulted, abused, and plun-
 ' dered, by every nation they deal with; and un-
 ' der such a misfortune, can we expect to im-
 ' prove the circumstances of our affairs either at
 ' home or abroad? My Lords, by our late con-
 ' duct, we have brought ourselves into a necessity
 ' of going to war, let the consequence be never
 ' so fatal. A man who submits tamely to a small
 ' affront, is sure to meet with a heinous one;

‘ and then he must fight ; whereas, if he had re-
 ‘ sented the first with spirit, he might have ob-
 ‘ tained satisfaction without danger, and would
 ‘ have prevented his meeting with a second. If
 ‘ we had properly resentd the first injury we met
 ‘ with from *Spain*, if upon the first insult or in-
 ‘ croachment, we had peremptorily demanded sa-
 ‘ tisfaction, we might have obtained it by peace-
 ‘ able means ; but now it is become too weighty
 ‘ for negotiation : We can find it only at the point
 ‘ of our sword ; and there, I trust in God, we
 ‘ shall still be able to find both satisfaction and
 ‘ security.

‘ After what I have said, my Lords, I think,
 ‘ I have no occasion to consider our circumstances,
 ‘ either at home or broad ; because I have, I
 ‘ believe, made it appear, that a war is become
 ‘ unavoidable, unless we have a mind to continue
 ‘ under such an infamous peace, as must render
 ‘ our circumstances every day worse and worse.
 ‘ Nor do I think, that, upon the present question,
 ‘ I have any occasion to enquire into the cause of
 ‘ the present unhappy situation of the affairs of
 ‘ this nation, or of *Europe* ; but if it were neces-
 ‘ sary, I believe, I could shew, that it is entirely
 ‘ owing to the measures we have followed for al-
 ‘ most these twenty years. I could shew, that the
 ‘ same conduct, which has now at last made a
 ‘ war unavoidable, has rendered us almost incapa-
 ‘ ble of carrying it on with vigour or success ;
 ‘ but, thank God, we are not yet altogether so :
 ‘ This nation has many and great resources ; and
 ‘ if they are put under a right conduct, we may
 ‘ still be able to recover our friends, and revenge
 ‘ ourselves of our enemies ; therefore, I hope,
 ‘ no man will so far despair, as to approve of any
 ‘ preliminary, that may lead us into an infamous
 ‘ treaty of peace.’

The last that spoke in this day's debate, was the Earl of *Isla*, the purport of whose speech was as follows, viz.

‘ My Lords,
 ‘ Whatever influence wit or eloquence may ^{Earl of}
 ‘ have upon this assembly, however improper it ^{*Isla's* speech.}
 ‘ may be to make use of either in this house, it
 ‘ must be acknowledged, that a great deal of
 ‘ both has been made use of upon this occasion;
 ‘ and I must say, that in this debate, a sort of
 ‘ eloquence has been made use of, which may be
 ‘ frequent at a certain place at t’other end of the
 ‘ town, but cannot, I am sure, be said to be either
 ‘ proper or decent in this assembly; for a great
 ‘ many very harsh epithets have been given to
 ‘ the convention now before us, which, consider-
 ‘ ing the place where we are, I think, ’twould
 ‘ have been better to have let alone, even though
 ‘ the convention had been as bad as it has been
 ‘ represented; but ’twill be found, I believe,
 ‘ upon a serious examination, that they are such
 ‘ as it no way deserves. By endeavouring to
 ‘ shew this, I do not know, but that, in the hu-
 ‘ mour some Lords seem to be in at present, I
 ‘ may be called an advocate for *Spain*, as well as
 ‘ some other Lords who have spoke before me
 ‘ upon the same side of the question; but what-
 ‘ ever I may be called, either within doors or
 ‘ without, I am resolved, while I sit here, to
 ‘ speak my sentiments freely, and to declare open-
 ‘ ly, what, I think, will conduce most to the ser-
 ‘ vice of my King, and the good of my coun-
 ‘ try. This is my duty, this is the duty of every
 ‘ member of this house, and therefore, I think it
 ‘ as wrong to affect popularity upon any occasion,
 ‘ by chiming in with those prejudices which may
 ‘ have been accidentally taken up, or artfully
 ‘ raised,

‘ raised, among the people, as it is to shew a blind
 ‘ or a slavish complaisance to the ministers of the
 ‘ crown.

‘ Whether we have got a proper satisfaction, or
 ‘ a full reparation, for the injuries that have been
 ‘ done to us, are questions that have been so fully
 ‘ spoke to by the noble Lords who have already
 ‘ spoke in favour of this convention: By them it
 ‘ has been so clearly demonstrated, that we could
 ‘ not expect, nor ought to have insisted upon
 ‘ greater satisfaction or reparation, from a nation
 ‘ whose friendship we ought to court, that it
 ‘ would be vain, if not arrogant in me, to attempt
 ‘ to set that matter in a clearer light. Besides, my
 ‘ Lords, there are articles which in all negotiations
 ‘ admit of a little yielding or softning, and parti-
 ‘ cularly in our negotiations with *Spain*, we ought
 ‘ never to allow them to be of any extraordinary
 ‘ weight. If we can get the other disputes, which
 ‘ now subsist between *Spain* and us, adjusted to
 ‘ our satisfaction: If we can obtain a reasonable
 ‘ security for the future unmolested enjoyment of
 ‘ our navigation and commerce in the *American*
 ‘ seas, I think it would be prudent in us to yield a
 ‘ little upon the head of satisfaction and reparation:
 ‘ At least, I must think it would be very impru-
 ‘ dent in us to engage in a war with *Spain*, and at
 ‘ this juncture too, for the sake of having a *Spa-*
 ‘ *nish* governor, or captain of *Guarda Costa*, hang-
 ‘ ed, as many of them certainly deserve for their
 ‘ behaviour towards us; or for the sake of obtain-
 ‘ ing 50, or even a 100,000 *l.* more, for making
 ‘ good the damages our merchants have sustained.
 ‘ The article of search or no search, is therefore
 ‘ that which we ought principally to regard in our
 ‘ present contest with *Spain*; and this, my Lords,
 ‘ I must observe, is a mutual claim. We pretend
 ‘ to a right of searching the ships, even of foreign-
 ‘ ers, upon our own coasts, as well as the *Spaniards*
 ‘ do

‘ do upon theirs, especially when there are grounds
‘ to suspect, that any such ship has been employ-
‘ ed, or is going to be employed, in carrying on
‘ an unlawful trade with our subjects, or in our
‘ dominions. It is a sort of liberty we take, it is
‘ a sort of liberty every nation takes, *Hanc petimus*
‘ *damusque vicissim*; and neither the *Spaniards* nor
‘ we have given it up, by referring it to be regu-
‘ lated by plenipotentiaries. Nay, even in the
‘ open seas, in the middle of the wide ocean, if
‘ one of our men of war should, upon visiting a
‘ ship they meet with, find cause to suspect, that
‘ her passports or sea-letters were forged, or should
‘ find cause to suspect from what they saw on
‘ board, that the ship had been concerned in any
‘ piratical practices, I believe they would take the
‘ liberty to break through the rules prescribed by
‘ treaties for visiting ships at sea, and would search
‘ such a ship, in order to discover whether their
‘ suspicions were well or ill grounded. This is a
‘ liberty which the armed ships of every country
‘ take, even upon the high seas; it is a liberty
‘ which every country must indulge to another,
‘ for the sake of discovering and apprehending pi-
‘ rates; therefore, it is a liberty that no nation can
‘ complain of, unless when it is turned to a bad
‘ use, and then it is not the right or liberty, but
‘ the use made of it, that affords a just cause of
‘ complaint.

‘ The liberty of searching the ships of foreigners
‘ upon the high seas, on suspicion of piracy, is a
‘ liberty that is established and regulated by the
‘ law of nations alone; but the liberty which eve-
‘ ry nation enjoys, of searching, on suspicion of
‘ unlawful trade, the ships of foreigners that ap-
‘ proach near to their coasts without any necessity,
‘ is a liberty that is not only established by the law
‘ of nations, but is generally regulated by the par-
‘ ticular laws or customs of each respective society.

‘ In

' In this country it is established and regulated not
 ' only by immemorial custom; but by several acts
 ' of Parliament; and it is impossible for us, by any
 ' precautions we can take at land, to prevent the
 ' exportation of our wool, the importation of
 ' prohibited goods, or the clandestine running of
 ' goods in upon us without paying the duties, un-
 ' less we take the liberty of searching such ships,
 ' upon our own coasts, as give just cause to suspect
 ' their being concerned in, or designed for, some
 ' such unlawful trade. This, my Lords, has been
 ' found by experience to be true; and therefore by
 ' an act of the 10th and 11th of the late King
 ' *William*, it was provided; " That our admiralty
 ' " should appoint two fifth rate, and two sixth rate
 ' " ships, and eight armed sloops, to cruize on the
 ' " coasts of *England* and *Ireland*, to seize all ships
 ' " and vessels, exporting wool to foreign parts."
 ' Now, my Lords, if any of the men of war, or
 ' armed sloops thus employed, should see a *French*
 ' ship hovering, or lying at anchor, within a few
 ' leagues of our shoar, and boats passing and re-
 ' passing between her and the land, are we to sup-
 ' pose that they are only to visit such ship, accord-
 ' ing to the rules prescribed by treaty, and to give
 ' entire credit to her passports, or sea-letters? If
 ' they did, they would always find her bound
 ' from some port of *France*, to some port in *Nor-*
 ' *way* or the *Baltick*, or from some port in *Norway*
 ' or the *Baltick*, to some port of *France*; yet, ne-
 ' vertheless, she might be half loaded with our
 ' wool, and waiting at that place for the rest of
 ' her cargo; therefore, in such cases it is absolutely
 ' necessary to make some sort of search, and we
 ' have always done so, without any nation's having
 ' complained of our making, by such a practice,
 ' any incroachment upon the freedom of their na-
 ' vigation or commerce.

The

‘ The case, my Lords, is the same with regard
‘ to smuggling: It was found by experience, that
‘ all the precautions we could take at land, could
‘ not prevent that pernicious trade, and therefore
‘ we have, by several acts of Parliament, enforced
‘ and regulated the right we have by the law of
‘ nations, of searching, as well as visiting, such
‘ foreign ships as approach our coasts, and give just
‘ cause for suspecting their being concerned in, or
‘ designed for carrying on any contraband trade.
‘ For this reason, we ought to be cautious of de-
‘ nyng this liberty or privilege to any nation; for
‘ if we do, every nation in *Europe* will say to us,
‘ *With what measure ye mete, it shall be measured to*
‘ *you again*: As you will not allow us to search
‘ your ships upon our coasts, we will not allow
‘ you to search our ships upon your coasts; and if
‘ by this means we should be debarred searching
‘ any foreign ship upon our own coasts, it would
‘ be impossible for us to prevent smuggling, or the
‘ exportation of our wool. Not only the *Dutch*
‘ and *French*, but all nations that had any use for
‘ it, would soon fall upon ways and means to steal
‘ away from us, as much of our wool as they could
‘ have occasion for, to the great prejudice, if not
‘ the utter ruin, of our woollen manufacture.

‘ This, my Lords, would be a much greater
‘ loss to us, than the exporting of gold or silver
‘ from *Spain*, or from the *Spanish* settlements in
‘ *America*, can be to that nation. For in their
‘ present circumstances, it is ridiculous in them to
‘ prohibit the exportation of that commodity. If
‘ they could make their prohibition effectual: If
‘ they could absolutely prevent the exportation of
‘ gold or silver from any part of their dominions,
‘ they would in their present circumstances soon
‘ come to be like *Midas* in the fable: Many of
‘ them would have nothing to eat, drink, or cloath
‘ themselves with, but gold or silver; and then

' they would be glad to give every nation a licence
 ' to export both the one and the other, in order to
 ' have those necessaries and conveniencies of life
 ' they stand in need of, and cannot have in their
 ' own dominions. This we know to be often the
 ' case of some of their settlements in *America*; and
 ' when it is, their governors always send licences
 ' to some of our plantations, not only to come and
 ' trade in the *Spanish* settlements, but to export
 ' gold and silver, and whatever else they please to
 ' take, in return for the provisions or necessaries
 ' they carry thither.

' But with regard to our wool, my Lords, the
 ' case is very different. It is a commodity much
 ' more valuable than gold or silver; because it is a
 ' commodity absolutely necessary, or at least ex-
 ' tremely convenient, for all nations that live at
 ' any distance from the torrid zone; and as it must
 ' be manufactured, before it can be fit for use, a
 ' great many industrious and faithful subjects are
 ' always employed in that manufacture. Now as
 ' we do not prohibit the exportation of it when
 ' manufactured, but on the contrary, encourage it
 ' as much as we can, the exportation of it, when
 ' fully manufactured, will, I hope, be always suffi-
 ' cient for furnishing us with every thing we stand
 ' in need of, for luxury, as well as necessity and
 ' conveniency, from any country in the world;
 ' therefore we can never be under any necessity to
 ' export it unmanufactured; and as none of our
 ' neighbours can carry on woollen manufactures,
 ' especially those of the middling sort, without
 ' having some of our wool to mix up with their
 ' own, as the manufacturing for our neighbours,
 ' as well as ourselves, must employ a great many
 ' more hands, and bring a greater advantage to
 ' the nation, than if we were to manufacture for
 ' ourselves alone, we ought to take all possible
 ' methods for preventing the exportation of this
 ' commodity,

‘commodity, till it has been fully manufactured
‘by our own people.

‘This, my Lords, shews the wisdom of those
‘regulations we have made both by land and sea,
‘for preventing the exportation of our wool; and
‘at the same time it must shew how unwise it
‘would be in us, to introduce among the nations
‘of *Europe*, any political maxim, which, if we
‘were obliged to observe it ourselves, might ren-
‘der it extremely difficult, if not altogether im-
‘possible, for us, to prevent our wool’s being
‘stolen away from us; and that this would be the
‘consequence, if we were to abstain from searching
‘any foreign ship upon our own coasts; experience
‘itself must convince us. But this, my Lords, is
‘not the only inconvenience we should be liable
‘to at present; if we should be obliged to give up,
‘or pass from this right of searching ships upon
‘our own coasts; for while our present high du-
‘ties continue upon all foreign goods imported, it
‘would be impossible for us to prevent smuggling,
‘without the exercise of this right; and if we take
‘such a liberty with the ships of neighbouring
‘nations upon our coasts, we must allow them to
‘take some such liberty with our ships upon their
‘coasts; otherwise we may run the risk of uniting
‘all the powers of *Europe* in an association against
‘us.

‘For this reason, my Lords, the question,
‘Whether we ought to allow the *Spaniards* a right
‘or privilege to search, upon just grounds of sus-
‘picion, any of our ships that shall approach their
‘coasts without necessity, seems to be a question
‘that may admit of some sort of difficulty. They
‘may insist upon it, as a right derived to them
‘from the law of nations, and confirmed by our
‘own practice in similar cases; and it is a privilege
‘which we may allow them, without acknowledg-
‘ing that they have any thing like an *imperium*

' *maris*, with regard to the seas of *America*. As
 ' for this *imperium maris*, or dominion of the seas,
 ' there may be some such thing, for what I know:
 ' I believe we have a just pretence to such a domi-
 ' nion, with regard to the *British* seas; but I must
 ' observe, that a very great author has said, that
 ' it is rather to be imagined than explained. It is
 ' a subject that has employed the pens of many
 ' learned and ingenious men; but they differ so
 ' much from one another, and sometimes from
 ' themselves, that there is no possibility of forming
 ' a certain and distinct notion of it from what they
 ' have wrote upon the subject. They have divided
 ' and subdivided it a great many different ways;
 ' which it would be needless, as well as tedious,
 ' to give an account of; but the most material di-
 ' vision I have taken notice of, is that by which it
 ' has been divided into *imperium proximum* and
 ' *imperium remotum*; the former being that *impe-*
 ' *rium* which a nation may acquire, and every na-
 ' tion pretends to, upon what they call their own
 ' coasts; and the latter, that which a nation may
 ' acquire upon what we call the open seas, either
 ' by treaty, or by the tacit concession and long
 ' sufferance of its neighbours.

' But here again, my Lords, a new difficulty
 ' occurs; for, what may be called the coasts, or
 ' what may be called the open seas, is a question
 ' that is not determined by the authors that have
 ' wrote upon the subject, nor has it lately been
 ' determined by treaty, so far as I know, be-
 ' tween any two nations in *Europe*. The greatest
 ' authority I can think of, that can any way be
 ' made use of for determining this point, is that
 ' famous decree or resolution of the senate of *Rome*,
 ' by which they gave to the great *Pompey* the
 ' command or government of the sea, for suppres-
 ' sing those pirates that then infested the *Mediterranean*;
 ' for, as by that decree, they extended his
 ' command

‘ command or *imperium* as far as four hundred
 ‘ *stadia*, which is about thirteen or fourteen
 ‘ leagues, over the whole continent or land ad-
 ‘ joining to the sea, it may be supposed, they
 ‘ reckoned that the sea coast, which always in-
 ‘ cludes land as well as sea, extended fourteen
 ‘ leagues up the country, and consequently four-
 ‘ teen leagues out at sea. But no modern nation
 ‘ will, I believe, admit that what we now call sea
 ‘ coast can be either way so far extended.

‘ Having thus shewn what the *Spaniards* may
 ‘ say in favour of the right or privilege they pre-
 ‘ tend to have, of searching, as well as visiting
 ‘ our ships, upon what they call their coasts in
 ‘ *America*, when such ships, by their approach-
 ‘ ing too near, or by other tokens, give cause to
 ‘ suspect, that they are concerned, or designed to
 ‘ be concerned in some illicit trade, I shall now,
 ‘ my Lords, endeavour to shew what may be
 ‘ said on our side. With regard to any liberty or
 ‘ privilege we may take with the ships of foreign-
 ‘ ers sailing upon the *British* seas, we may justly
 ‘ say, my Lords, that no argument can from
 ‘ hence be drawn, in favour of any right the
 ‘ *Spaniards* may pretend to in the seas of *Ame-*
 ‘ *rica*; because we have an *imperium* or dominion
 ‘ over the *British* seas, established to us by custom
 ‘ immemorial, and acknowledged by almost all
 ‘ the nations of *Europe*: Whereas the *Spaniards*
 ‘ can pretend to no such *imperium* over the *Ame-*
 ‘ *rican* seas, nor ought we to allow them to exer-
 ‘ cise any liberty or privilege that may be a foun-
 ‘ dation for their claiming such an *imperium* in any
 ‘ future time. Then with regard to what may
 ‘ be called the sea coast of any country, we may
 ‘ say, that, by the law of nations, nothing ought
 ‘ to be called sea coast that is within the common
 ‘ course of sailing from one country to another;
 ‘ and that therefore nothing but creeks or small

' bays ought to be reckoned within the sea coasts
 ' of any country, or such places in the sea which
 ' are so land-lock'd that no ship would chuse to
 ' get within them, unless she be drove thither by
 ' stress of weather, or has some other design than
 ' that of sailing along the coasts of that country.
 ' This, I say, my Lords, we may insist on as the
 ' general rule for determining what may be called
 ' the sea coasts of any country; and this ought
 ' to be the rule in the *American* seas, especially
 ' within the tropicks, rather than any other, be-
 ' cause the winds and currents in that part of the
 ' world, not only make ships chuse, but even
 ' force them to sail along, almost close in with the
 ' shore of some of the islands or continent of
 ' *America*, as has been extremely well explained
 ' by a noble Lord, who spoke some time since
 ' upon the other side of the question.

' To this, my Lords, we may add, that tho'
 ' an *imperium* or dominion may be acquired over
 ' some seas, or some particular parts of the ocean,
 ' yet that dominion, like property in lands, must
 ' be acquired by some overt acts, which declare
 ' the intention of the possessor, and the cession or
 ' resignation of the rest of mankind; and as no
 ' such overt acts have ever been done by the *Spa-*
 ' *niards*, and peaceably submitted to for any time
 ' by other nations, in the seas of *America*, there-
 ' fore those seas ought to be look'd on as a large
 ' common, lying between the *Spanish* dominions
 ' and ours, no part of which they can appropri-
 ' ate, nor assume any jurisdiction over it, with-
 ' out our consent; and I am sure we may justly
 ' say, that the late behaviour of some of their
 ' *Guarda Costa's*, and the delays we have met
 ' with in obtaining justice from their court, have
 ' given us a very good reason, never to allow
 ' them to assume the least degree of jurisdiction

in any part of the *American* seas, where our ships may be obliged, or have occasion to fail.

From what I have mentioned, my Lords, of the arguments that may be made use of upon both sides of the question, I believe it will appear, that the real dispute between *Spain* and us, I mean that which is of the greatest consequence, is not about our right to a free navigation and commerce in the *American* seas, but about their right to search ships upon what may be called their own coasts. The right to be regulated by the plenipotentiaries, respectively appointed by this preliminary, is not our right to a free navigation and commerce in those seas, but their right to do what every nation does, I mean, to visit, and even to search, upon just cause of suspicion, such ships as come within what may be called their sea coasts; and it is their late behaviour, not ours, that makes the regulating of this right necessary. They have lately extended what they call their sea coasts so far out in the ocean; and they have searched so many of our ships without cause of suspicion, and confiscated so many of them without any pretence of justice, that it is become necessary to lay them under some restraints or regulations; and these restraints and regulations are to be settled and agreed on by the plenipotentiaries respectively appointed. That they have sea coasts in *America*, is what no man will deny; and that they have some sort of power or jurisdiction over those sea coasts, is what, I think, can be as little denied. Nay, we seem to have acknowledged it by treaty; for as our *South-Sea* company got, by the *assiento* treaty or contract, the sole privilege of introducing negroes into the *Spanish* settlements in *America*, it was by the 18th article of that treaty agreed, "That when the *assientists* should have notice that any ship

'bays ought to be reckoned within the sea coasts
 'of any country, or such places in the sea which
 'are so land-lock'd that no ship would chuse to
 'get within them, unless she be drove thither by
 'strefs of weather, or has some other design than
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 'world, not only make ships chuse, but even
 'force them to sail along, almost close in with the
 'shore of some of the islands or continent of
 'America, as has been extremely well explained
 'by a noble Lord, who spoke some time since
 'upon the other side of the question.

'To this, my Lords, we may add, that tho'
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in any part of the *American* seas, where our ships may be obliged, or have occasion to fail.

From what I have mentioned, my Lords, of the arguments that may be made use of upon both sides of the question, I believe it will appear, that the real dispute between *Spain* and us, I mean that which is of the greatest consequence, is not about our right to a free navigation and commerce in the *American* seas, but about their right to search ships upon what may be called their own coasts. The right to be regulated by the plenipotentiaries, respectively appointed by this preliminary, is not our right to a free navigation and commerce in those seas, but their right to do what every nation does, I mean, to visit, and even to search, upon just cause of suspicion, such ships as come within what may be called their sea coasts; and it is their late behaviour, not ours, that makes the regulating of this right necessary. They have lately extended what they call their sea coasts so far out in the ocean; and they have searched so many of our ships without cause of suspicion, and confiscated so many of them without any pretence of justice, that it is become necessary to lay them under some restraints or regulations; and these restraints and regulations are to be settled and agreed on by the plenipotentiaries respectively appointed. That they have sea coasts in *America*, is what no man will deny; and that they have some sort of power or jurisdiction over those sea coasts, is what, I think, can be as little denied. Nay, we seem to have acknowledged it by treaty; for as our *South-Sea* company got, by the *assiento* treaty or contract, the sole privilege of introducing negroes into the *Spanish* settlements in *America*, it was by the 18th article of that treaty agreed, "That when the *assienists* should have notice that any ship

“ with negroes (not belonging to them) was
 “ come upon the coast, or entered into any port,
 “ they might fit out, arm, and send out imme-
 “ diately such vessels as they should have of their
 “ own, or any others belonging to his Catholick
 “ Majesty, or his subjects, with whom they should
 “ agree, to take, seize, and confiscate such ships
 “ and their negroes, of whatever nation or per-
 “ son they might be, to whom the same should
 “ belong; to which end the said *assentists*, and
 “ their factors, should have liberty to take cogni-
 “ zance of, *and search all ships and vessels that*
 “ *should come upon the coasts of India*, or into its
 “ ports, in which they should have reason to be-
 “ lieve, or suspect, that there were contraband
 “ negroes. Provided always, that for the making
 “ of such searches, visits, and other proceedings
 “ before mentioned, they should first have leave
 “ from the governors, to whom they should
 “ communicate what occurred, and desire them
 “ to interpose their authority.”

‘ These, my Lords, are the words of the
 ‘ treaty; and if the court of *Spain* could delegate
 ‘ a power to our *South-Sea* company to search
 ‘ such ships as came upon the coasts of *India*, in
 ‘ which they should suspect there were contraband
 ‘ negroes, as by our accepting of this article, we
 ‘ have acknowledged they could, surely we must
 ‘ allow, that they have a power to search such
 ‘ ships as come upon the coasts of *India*, in which
 ‘ they may suspect there are any other sort of con-
 ‘ traband goods; by which I mean, and by which
 ‘ they can only, with any justice or propriety,
 ‘ mean, such goods as are designed to be import-
 ‘ ed into, or have been exported from, their set-
 ‘ tlements in *India*, contrary to the exclusive pri-
 ‘ vilege enjoyed by the subjects of *Spain*, and
 ‘ confirmed to them by the treaties subsisting be-
 ‘ tween them and us. This power, my Lords,

‘ I say, we must allow them ; but we must not allow them to make a bad use of it, or to extend what they call their coasts, so far as may give their *Guarda Costa's* a pretence to interrupt our lawful trade or commerce in those seas ; and as they have done so for some time past, it is become necessary for us to lay this power under such regulations, as may prevent such practices in time to come : This, I hope, will be done by the definitive treaty that is to be concluded ; but as the contriving and settling these regulations required a most mature and serious deliberation, it could not be done so as to make them a part of this preliminary treaty ; and therefore it was necessary to refer this matter to the plenipotentiaries.

‘ What liberty we may allow to the *Spaniards*, with regard to searching our ships at sea, or upon what they call their own coasts, or whether or no we ought to allow them any such liberty, or if we do allow it, what restraints and regulations it ought to be subjected to, are questions, my Lords, that cannot, I think, come before us upon this occasion : All I design by what I have said upon this head, is to shew, that the dispute between the *Spaniards* and us about search or no search, is of such a nature, that it could not be immediately determined. If we had been at war with *Spain*, and had reduced them to such distress, that they must have agreed to any thing we thought fit to propose, the dispute might have been easily ended ; because, as it would be our interest to have a free trade to the *Spanish* settlements in *America*, as we shall always reap the more advantage, the more trade our subjects have with them, therefore, if we cannot obtain a free trade, it is our interest not to admit of any thing that may prevent or obstruct an illicit trade ; and for
‘ this

‘ this reason, if we had prevailed so far as to
 ‘ have the drawing up of the articles of peace,
 ‘ if the *Spaniards* had been forced to present us
 ‘ with a *carte blanche*, we ought certainly to have
 ‘ stipulated no search any where but in their ports
 ‘ or harbours, when our ships happened to be
 ‘ forced in there by sea distress. But this, my
 ‘ Lords, was not our case when this treaty was
 ‘ negotiated: We were treating upon equal terms:
 ‘ We were negotiating to prevent a dangerous
 ‘ war, and not to put an end to a successful one;
 ‘ and in these circumstances it was impossible for
 ‘ us to adjust and finally settle a dispute of such a
 ‘ nature in so short a time. If it be finally ad-
 ‘ justed and settled in the eight months prescribed
 ‘ by this preliminary, I shall think it something
 ‘ very extraordinary; and if at last all the dis-
 ‘ putes now subsisting between *Spain* and us are
 ‘ adjusted to our satisfaction, I shall then think
 ‘ that we may justly apply to one person in this
 ‘ kingdom, what was said of the great *Fabius* at
 ‘ *Rome*, *Cunctando restituit rem.*

‘ I know, my Lords, it would have been
 ‘ more glorious, and would have look’d more
 ‘ like great courage and magnanimity; to have at-
 ‘ tack’d the *Spaniards* directly, without so much
 ‘ as asking, whether they were willing to give us
 ‘ satisfaction: If we had done so, the *Spaniards*
 ‘ could not with justice have complained of us,
 ‘ nor could they have said, we treated them
 ‘ otherwise than they deserved; but I cannot
 ‘ think it would have been prudent, nor do I
 ‘ think it would have been acting like men that
 ‘ had a due regard to the prosperity and happi-
 ‘ ness of their country. Wars and victories, my
 ‘ Lords, make a fine figure in history, or even in
 ‘ a news paper: We still read with pleasure the
 ‘ romantick accounts of our wars and battles in
 ‘ *France*, when our Kings were warring the sub-
 ‘ stance,

stance, and spilling the blood of the subjects, in quest of that which would have ruined their country, if they had met with the wished for success; we likewise read with pleasure, an account of our late campaigns in *Flanders*, *Germany* and *Spain*, when we were running ourselves several millions in debt yearly, for the sake of conquering kingdoms and provinces for those, who have not since shewed themselves very grateful for the favours we then so bountifully bestowed; and if we had now run ourselves headlong into a war with *Spain*, we should probably, if they had been assisted by none of their neighbours, have had the same success we have formerly met with in our wars against that nation: The taking of some of their *galleons* or *flota*, the plundering some of their towns upon the sea coast in *Europe*, or the taking or plundering some of their settlements in *America*, would have furnished our *Gazettes* with excellent paragraphs for the entertainment of the present age, and our histories with fit matter for the amusement of future generations; but upon balancing accounts, we should have found, I believe, that the profit would not answer the charge; and that we had done better to have accepted at first of a reasonable satisfaction in a peaceable manner. In the mean time, our trade would have been interrupted, our people oppressed with taxes, many of our merchants ruined by captures, and multitudes of tradesmen drawn away from useful labour and industry; for it was well observed by a celebrated clergyman, who was appointed to preach at *St. Paul's* upon the peace of *Utrecht*, That those times which are the best to read of, are far from being the best to live in.

It was, therefore, I think, my Lords, the wisest course, to try first what could be done by
nego-

negotiation; and as there is nothing in this preliminary that is either scandalous, or inconsistent with any of the rights or privileges of this nation; as we have got all that could be expected in so short a time; and as the time stipulated for concluding a definitive treaty is but very short, I must think, it was right to accept, in the mean time, of this preliminary. If the court of *Spain* should refuse, or unreasonably delay giving us entire satisfaction by a definitive treaty, within the time limited by this preliminary, we must go to war; we shall then be able to excuse or justify ourselves in our own minds, let the event of that war be what it will; because of two evils, the least is certainly to be chosen. Our trade cannot suffer much in the mean time, the circumstances of affairs in *Europe* cannot become more unfavourable than they now are, nor can it be supposed that we shall be weaker, or *Spain* stronger, eight months hence, than at present. For these reasons, my Lords, I think we cannot well refuse to give our approbation of this preliminary, in those general terms the noble Lord has proposed; and therefore I shall be for agreeing to the motion he has been pleased to make.

Division.

At last the question was put, and carried in the affirmative, upon a division of Lords in the house 71 contents, to 58 not contents; and of proxies 24 contents, to 16 not contents. Whereupon the following address was agreed to, and presented accordingly, viz.

Most gracious Sovereign,

Lords address and his Majesty's answer.

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, beg leave to return your Majesty our most humble thanks for your gracious

ous condescension, in laying the convention between your Majesty and the King of *Spain*, dated the 14th day of *January* last, *N. S.* together with the separate articles, before this house.

‘ We think it our indispensable duty, on this occasion, to express our just sense of your royal care of the true interests of your people; and to acknowledge your Majesty’s great prudence, in bringing the demands of your subjects for their past losses, which have been so long depending, to a final adjustment by the said convention; and procuring an express stipulation for a speedy payment; and in laying a foundation for accomplishing the great and desirable ends of obtaining future security, and preserving the peace between the two nations.

‘ We beg leave also to declare to your Majesty, our confidence and reliance on your royal wisdom, and steady attention to the honour of your crown, and the welfare of these kingdoms; that in the treaty to be concluded in pursuance of this convention, proper provisions will be made for redress of the grievances so justly complained of; and particularly, that the freedom of navigation and commerce in the *American* seas, to which your Majesty’s subjects are entitled by the law of nations, and by virtue of the treaties subsisting between the two crowns, will be so effectually secured, that they may enjoy, unmolested, their undoubted right of navigating, and carrying on trade and commerce from one part of your Majesty’s dominions to any other part thereof, without being liable to be stopp’d, visited, or searched, on the open seas, or to any other violation or infraction of the said treaties; the mutual observance thereof, and a just regard to the privileges belonging to each other, being the only means of maintaining a good correspondence, and lasting friendship between the two nations.

‘ Permit

‘ Permit us at the same time, in the most dutiful manner, to express to your Majesty, our firm dependance; that in the treaty, to be concluded in pursuance of the said convention, the utmost regard will be had to the rights belonging to your Majesty’s crown and subjects, in adjusting and settling the limits of your Majesty’s dominions in *America*; and to give your Majesty the strongest assurances, that in case your Majesty’s just expectations shall not be answered, this house will heartily and zealously concur in all such measures, as shall be necessary to vindicate your Majesty’s honour, and to preserve to your subjects the full enjoyment of all those rights, to which they are entitled by treaty, and the law of nations.’

To which his Majesty returned the following most gracious answer; *viz.*

My Lords,

I Thank you for this dutiful address; and for the grateful sense you express of my care of the true interests of my people. You may depend upon it that I have the honour of my crown, and the welfare of my kingdoms entirely at heart; and that nothing shall be wanting on my part, to secure to my subjects the full enjoyment of their navigation and commerce, and their other just rights.

The speakers for and against the address were as follows, *viz.*

For the address,

Against the address,

Speakers for
and against
it.

1 The Earl of Cholmondeley who moved for it.

2 The Lord Talbot.

3 The Duke of Newcastle.

4 The Lord Carteret.

For

- | | |
|------------------------------------|-------------------------------------|
| For the address, | Against the address, |
| 5 The Bishop of <i>Salisbury</i> . | 6 The Duke of <i>Bedford</i> . |
| 8 The Lord High Chancellor. | 7 The Duke of <i>Argyle</i> . |
| 10 The Lord <i>Hervey</i> . | 9 The Earl of <i>Chesterfield</i> . |
| 12 The Earl of <i>Isle</i> . | 11 The Lord <i>Bathurst</i> . |

And the following is a list of the Lords who voted upon this occasion. viz.

For the address	Against the address	
In the house	In the house	
The Lord High Chancellor.	His Royal Highness the Prince of <i>Wales</i> .	Voters for and against it.

The Dukes of

Ancafter,
St. Albans,
Atbol,
Buccleugh,
Devonshire,
Dorset,
Grafton,
Kent,
Kingston,
Manchester,
Marlborough,
Montague,
Newcastle,
Portland,
Richmond.

The Marquis of

Lothian.

The Dukes of

Argyle,
Beaufort,
Bedford,
Bridgwater,
Leeds,
Rutland.

The Earls of

Bristol,
Burlington,
Chesterfield,
Coventry,
Gainsborough,
Graham,
Huntington,
Ker,
Lichfield,
Macclesfield,
Northampton,
Oxford,

For

For the address,

The Earls of

*Albemarle,**Gholmondeley,**Cowper,**Dartmouth,**Dunmore,**Effingham,**Essex,**Finlaser,**Fitzwalter,**Godolphin,**Halifax,**Harborough,**Hyndford,**Jersey,**Isla,**Loudon,**Malton,**Pembroke,**Rockford,**Warwick,**Wilmington.*

The Viscounts

*Falconberg,**Harcourt,**Lymington,**Torrington.*

The Barons of

*Abergavenny,**Cadogan,**Catcart,**Cornwallis,**Delawar,**Ducie,**Harrington,**Hay,*

Against the address,

*Peterborough,**Rockingham,**Scarborough,**Shaftsbury,**Stanhope,**Strafford,**Suffolk,**Tbanet,**Westmoreland,**Winchelsea and**Nottingham.*

The Viscounts

*Cobham,**Falmouth,**Lonsdale,**Townshend.*

The Barons of

*Batburst,**Boyle,**Bruce,**Carteret,**Clifton,**Clinton,**Craven,**Foley,**Gower,**Haversham,**King,**Masbam,**Maynard,**Mountjoy,**North,**Raymond,**Rumney,**Talbot.*

For

For the address,

*Hervey,
Hobart,
Lovel,
Monson,
Onslow,
Pawlett,
Walpole.*

Against the address,

The Bishops of
*Gloucester,
Lincoln,
Lichfield,
Oxford.*

Proxies.

**The Archbishop of
Canterbury.**

The Duke of Somerset.

The Bishops of

*St. Asaph,
Bangor,
Bristol,
Chester,
St. David's,
Durham,
Landaff,
Norwich,
Rochester,
Salisbury,
Winchester.*

The Earls of

*Berkshire,
Bute,
Carlisle,
Denbigh,
Derby,
Exeter,
Warrington.*

The Viscount St. John.

The Barons of

*Barnard,
Dudley and Ward,
Griffin,
Middleton,
St. John,
Eveston.*

Proxies.

The Duke of Chandos.

The Earls of

*Broadalbin,
Crawford,
Grantam,
Hopton,
Leicester,
Pomfret,
Portmore,
Powlett,
Radnor,
Selkirk,*

The Bishop of Carlisle.

For the address,

Southerland,

Tankerville,

Walgrave.

The Viscount Say

and Seal.

The Barons of

Hunsdon,

Percy,

Trevor.

The Archbishop of York.

The Bishops of

Bath and Wells,

Ely,

Exeter,

Hereford,

London.

Protest on
this occasion.

Upon this question's being approved of, the following protest was entered in the journals of that house; *viz.*

Dissentient.

1. **B**ECAUSE we conceive that this resolution, under the plausible pretence of a respectful address to the throne, carries with it an approbation of the convention concluded at the *Pardo* the 14th of *January* last, which, as we apprehend, may be a most fatal compliment, if it should induce his Majesty to believe, that this convention is agreeable to the sense and expectation of the nation.

2. Because this resolution hath rather weakened than enforced the address of last year, having omitted that part of the said address, which declares, that no goods being carried from one part of his Majesty's

Majesty's dominions to another, are to be deemed contraband and prohibited goods; and that the searching of ships, under pretence of their carrying contraband, or prohibited goods, is a violation and infraction of the treaties subsisting between the two crowns.

3. We think the said resolution doth not sufficiently assert our right, by saying only, that we shall not be liable to be stopp'd, search'd, or visited upon the open seas, the merchants having proved, at the bar of the house, that currents and winds unavoidably drive ships out of their course, and that observations of land-marks, upon the *Spanish* coast, are absolutely necessary for their steering a safe course through those seas, we apprehend, that their being obliged to keep a direct course, without coming near the *Spanish* coast, as lately insisted upon by the *Spaniards*, would render them sole judges of our navigation; and their being permitted to visit or search our ships within any limits whatsoever, would render our whole *American* trade precarious and impracticable.

4. Because we see no reason to believe, that the future negotiation of the plenipotentiaries will, in the next eight months, obtain the admission of those rights insisted upon in our former address, which the instances and representations made to the court of *Spain* last year, supported by the resolution of Parliament, and a powerful fleet, have not been able as yet to procure.

5. Because we apprehend the *Spaniards* do not think themselves bound by this convention to abstain from their unjust methods of proceeding; since it was proved at the bar of this house, that Captain *Vaughan*, a commander of a *British* ship, having been unjustly taken by a *Spanish* man of

war, his ship confiscated, and he imprisoned at *Cadiz*, was, at the time of signing the convention, detained in prison there, and not released in several weeks after, notwithstanding the representation of the *British* plenipotentiary at the court of *Spain*.

6. Because we conceive, that the reparation pretended to be made to our merchants, by this convention, for the grievous losses they have sustained during a course of many years, is insufficient; the dark accounts of this transaction, laid before us, have not been fully explained, nor any satisfactory reasons given us why their demands, stated in an account signed *June* the 14, 1738, by Mr. *Stert*, one of the commissaries, at 343,277*l.* should be so greatly reduced.

7. Because, as we apprehend, we are to allow 60,000*l.* to the King of *Spain*, chiefly on account of the ships taken near *Sicily* in the year 1718; though it hath appeared to the house, from the instructions given to the commissaries after the treaty of *Seville*, sign'd by his Majesty, now lying before us, that the articles of the treaty concluded at *Madrid* in 1721, upon which that claim of the *Spaniards* is founded, had been fully executed on the part of the crown of *Great Britain*.

8. Because the referring the limits of *Florida* and *Carolina* to the plenipotentiaries, seems to call in question our right to possessions, which we have so long uninterruptedly enjoyed, seven eighth parts or shares of which, the nation, at a considerable expence, hath, not long since, purchased of the proprietors under the two original grants of King *Charles II.* a certain district whereof, called *Georgia*, in honour to his present Majesty, hath been erected into a new colony, and granted to trustees for laudable purposes, for the establishment and improvement

provement of which, considerable sums have been granted by the publick: And moreover, it being stipulated by the present convention, that no fortification there shall be encreased, during the term of eight months, we apprehend, that the regiment lately raised for the defence of that colony, and also the engineers and stores, which at a considerable increase of the publick expence have been sent thither, will not only remain useless, but if a peace should not be procured within that period, will, at the end of it, be exposed, together with the colonies, to the violence and irruption of the *Spaniards*.

9. Because we apprehend the *British* minister's acceptance of the declaration signed by *M. de la Quadra*, January 10, 1738-9, said to be agreed with *reciprocal accord*, hath allowed his Catholick Majesty to reserve to himself, in its full force, the right of being able to suspend the *assiento* of negroes, in case the *South-Sea* company doth not subject herself to pay, within a short time, the sum of 68,000*l.* pretended to be owing on the duties of negroes, and profits of the ship *Carolina*, though that sum was never otherwise acknowledged to be due, than as part of a plan of accommodation, wherein a much larger sum was admitted to be due to the said company, whereby we apprehend the King of *Spain* may think that great company is put out of the protection of his Majesty as to this point, and left to his own mercy and equity; whereas if the convention, as it now stands, had been signed without the acceptance of the declaration, the King of *Spain* would have had no pretence, as we conceive, to suspend the *assiento*; and therefore we apprehend, that the said declaration will be looked upon as a defeazance of the said treaty, as far as it relates to the *South-Sea* company, which appears to us a dishonourable collusion, hurtful to publick credit.

10. Because we do not find any satisfaction has been obtained by the convention, for the frequent cruelties and barbarities exercised on the *British* sailors, nor for the many insults offered to the *British* flag; which we are apprehensive may be thought an insensibility of the sufferings of a body men, highly useful to the trade, and necessary to the defence of these kingdoms, and a great neglect of the honour of the nation.

<i>Graham,</i>	<i>Thanet,</i>	<i>Clinton,</i>
<i>Huntington,</i>	<i>Bruce,</i>	<i>Foley,</i>
<i>Burlington,</i>	<i>Gainsborough,</i>	<i>Haversham,</i>
<i>Chesterfield,</i>	<i>Beaufort,</i>	<i>Shatfsbury,</i>
<i>Montjoy,</i>	<i>Cobham,</i>	<i>Lichfield,</i>
<i>Macclesfield,</i>	<i>Abington,</i>	<i>Gower,</i>
<i>Stanbope,</i>	<i>Massam,</i>	<i>Suffolk,</i>
<i>Northampton,</i>	<i>Strafford,</i>	<i>Maynard,</i>
<i>Clifton,</i>	<i>Westmoreland,</i>	<i>Coventry,</i>
<i>B. Lincoln,</i>	<i>Ker,</i>	<i>Boyle,</i>
<i>Bristol,</i>	<i>Aylesford,</i>	<i>Carteret,</i>
<i>Raymond,</i>	<i>Greenwich,</i>	<i>Talbot,</i>
<i>Winchelsea,</i>	<i>Oxford,</i>	<i>Bathurst.</i>

The End of the SEVENTEENTH VOLUME.



10. Because we do not find any satisfaction has been obtained by the convention, for the frequent cruelties and barbarities exercised on the British sailors, nor for the many insults offered to the British flag; which we are apprehensive may be thought an insupportable insult to the sufferings of a body men, highly useful to the trade, and necessary to the defence of these kingdoms, and a great neglect of the honour of the nation.

Clinton	Town	Graben
Polk	Bruce	Huntington
Manly	Carroll	Barrington
Spaulding	Bradford	Chesterfield
Richards	Cobb	Montgomery
Gentry	Adams	Madison
Stoddard	May	Stark
Maynard	Stearns	Northampton
Cornwall	Windsor	Clinton
Boyle	Kearney	B. Lincoln
Carter	Windsor	Briggs
Tolson	Crawford	Rogers
Baldwin	Coffey	Windsor

1870
The first of the year was a very
unusual one, and the weather was
very warm. The first of the year
was a very unusual one, and the
weather was very warm. The first
of the year was a very unusual
one, and the weather was very
warm. The first of the year was
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weather was very warm.

1871
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warm. The first of the year was
a very unusual one, and the
weather was very warm.

1872
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unusual one, and the weather was
very warm. The first of the year
was a very unusual one, and the
weather was very warm. The first
of the year was a very unusual
one, and the weather was very
warm. The first of the year was
a very unusual one, and the
weather was very warm.

